



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2017**

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6427 of 2017

and

WMP(MD)No.5050 & 5051 of 2017

S.P.Muthuraman

... Petitioner

vs.

1. The Chief Secretary to Government,
Secretariat, St. George Fort,
Chennai-600 009.
2. The Additional Chief Secretary to Govt./Commissioner,
Land Administration Department,
Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector,
Thoothukudi District, Thoothukudi.
4. The Tahsildar, Taluk Office,
Vilathikulam Taluk, Thoothukudi District.
5. The Block Development Officer,
Pudur Block Development Office ,
Pudur Post, Vilathikulam Taluk,
Thoothukudi District.
6. The Regional Controller of mines
Indian Bureau of Mines,
C-4A, GCO Complex,
Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
7. The Commissioner,
Geology and Mining,
Thiru Vika Industrial Estate,
Chennai-600 032.
8. The Assistant Director,
Geology and Mining,
Collector Office Campus, Tuticorin.



9. The Ramco Cements Ltd.,
Represented by its Managing Director,
V.Floor- Auras Corporate Centre,
98 A, Dr.Radhakrishnan Road,
Mylapore, Chennai-60004.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned approval order passed by the sixth respondent vide Letter:TN/TKD/MP/LST-1978-MDS dated 23.05.2016 and quash the same as for as the cart track and pond situated at Tuticorin District, Vilathikulam Taluk, Kullakattankurichi Village in S.No.98/3-0.09.0 Hec, 99/10-0.05.0Hec, 105/3-0.03.0 Hec, S.No.109/5-0.13.5 Hec, 110/7-0.01.0 Hec, 99/4-0.09.0, 104/4-0.06.5 Hec, Pudur Village in S.No.-71/8-0.11.5 Hec, 75/6-0.07.5 Hec, 76/12-0.07.5 Hec, 80/6-0.09.0 Hec, 82/5-0.07.5 Hec, Sivalarpatti Village in S.No. - 265/4 0.07.0 Hec are concerned and directing the 1 to 8 respondents to remove the encroachment and restore the same as cart track and pond.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.M.Govindan
S.G.P for R1 to R4 & R7 & R8
Mr.Singaravadivel
for Mr.J.Gunaseelan Muthaiah for R5
Mr.Raguvara Gopalan
for Mr.K.Prabhakar for R9

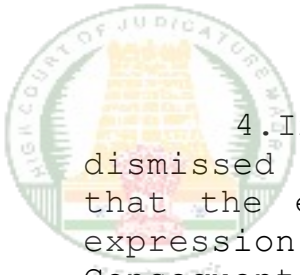
O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The Government have passed an order in G.O.(Ms).No.5, Industries (MMA.1) Department, dated 06 January, 2017 granting mining permission to the nineth respondent. The mining permission is given after obtaining clearance from various departments including the sixth respondent.

2.In view of the subsequent events, there is no question of considering the legality and correctness of the permission given by the sixth respondent in this writ petition.

3.The learned counsel for the petitioner seeks liberty to file independent writ petition to challenge the order dated 06 January, 2017 along with the order granting permission by the sixth respondent.



4. In view of the said submission, this writ petition is dismissed as withdrawn with liberty. However, we make it clear that the expression "liberty" should not be construed to be an expression of opinion on the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary to Government,
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6. The Commissioner,
Geology and Mining,
Thiru Vika Industrial Estate,
Chennai-600 032.
7. The Assistant Director,
Geology and Mining,
Collector Office Campus, Tuticorin.

+1cc to Mr.T.Selvan, Advocate Sr.No.64865

+1cc to Mr.K.Prabhakar, Advocate Sr.No.64862

+1cc to Spl.Government Pleader Sr.No.65584

ARUL/SKM

VB/GT/SAR4/31.07.2017/3P/11C

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