

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.19316 of 2015 and
M.P.Nos.1 and 2 of 2015

P.Balasubramanian

...Petitioner

vs

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Assistant Director of Geology & Mining,
Tiruppur,
Tiruppur District.

3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

4.Muthu Ramachandramurthy

5.Kali Ammal

6.SA.Kalimuthu

7.S.A.Velusamy

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the order of the first respondent dated 2.7.2014 in Na.Ka.302/Kanimam/2013 and quash the same and consequently forbear the respondents 1 to 3 from allowing the fourth respondent to quarry the gravels or any minor minerals in the property comprised in Survey No.299/2, situated at Myvadi Village, Udumalpet Taluk, Tiruppur District.

For petitioner : Mr.K.Selvaraj

For Respondents : Mr.R.Govindasamy for R1 to R3
Special Government Pleader
M/s.Hema Sampath for R4
Senior Counsel
for Mr.S.Gunalan
No Appearance for R6 and R7
R5 Died

O R D E R

Learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to the petitioner to agitate his right over the subject matter land before the Hon'ble Apex Court in the SLP filed against the order passed by this Court in a civil litigation.

2.Learned Senior Counsel for the fourth respondent submitted that because of the stay granted in this writ petition, the petitioner was not in a position to quarry during the pendency of such interim order and thus, in effect, the fourth respondent has lost nearly 2 1/2 years of the lease period granted by the District Collector. Since the petitioner has chosen to withdraw this writ petition with liberty as stated supra, the stay granted herein shall also be vacated, it is for the District Collector to consider the extension of lease for the period during which time the stay was in operation.

With the above observations, the writ petition stands dismissed as withdrawn with liberty to the petitioner as stated supra. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The Assistant Director of Geology & Mining,
Tiruppur, Tiruppur District.
- 3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.15838
+1cc to Mr.K.Selvaraj, Advocate, S.R.No.16213
+1cc to the Government Pleader, S.R.No.16213

W.P.No.19316 of 2015

NM(CO)
RRK(05/03/2018)