

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.34120 of 2003 &
W.P.M.P.No.41365 of 2003

A.Ramasamy

.. Petitioner

Vs.

1. The Director of Mines and Geology,
Guindy, Chennai.

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Assistant Director
Mines & Geology
Collectorate Office
Coimbatore

4. Subbathan @ Nanjammal

5. S.Sundaramoorthy

.. Respondents

Prayer: Writ petitions filed under Article 226 of Constitution of India, seeing to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the lease granted to the 5th respondent in Survey No.23/1, Kongupalayam Village, Tiruppur Taluk, Coimbatore District.

For Petitioner :No Appearance

For Respondents :Mr.N.Inbanathan, (for R1 to R3)
Additional Government Pleader

W R D E R

The petitioner has filed the writ petition seeking to issue a writ of mandamus directing the respondents 1 to 3 to cancel the lease granted to the 5th respondent in Survey No.23/1, Kongupalayam Village, Tiruppur Taluk, Coimbatore District.

2. There is no appearance on behalf of the petitioner. The case of the petitioner is that the 4th respondent herein has filed a Civil suit in O.S.No.217 of 1977 for injunction against his parents in so far as the land situated in Survey No.25/1,

Kongupalayam Village, Tiruppur Taluk, Coimbatore District along with other properties mentioned in the said suit. The suit was decreed.

3. Against the said order, the petitioner's father filed an Appeal Suit in A.S.No.16. of 1981 which was allowed by Sub Court, Tiruppur. The fourth respondent filed an appeal suit in S.A.No.1463 of 1982 which has been disposed of by this Court with liberty to the fourth respondent to seek the relief of declaration and also to implead the legal representatives of the petitioner's parents.

4. Therefore, there is a civil dispute between the parties. During the pendency of the civil cases, the respondents 4 and 5 were seeking the lease of stone quarry in Survey No.23/1, Kongupalayam Village, Tiruppur Taluk, Coimbatore District for the period from 22.03.2003 to 21.03.2008. In spite of the objections made by the petitioner, the lease was granted. Therefore, the petitioner has filed the present writ petition seeking for the above said prayer.

5. Though the lease was granted to the 4th respondent for the period from 22.03.2003 to 21.03.2008, there is no representation on behalf of the respondent Nos. 4 and 5. Admittedly, the lease is in favour of the 4th respondent in respect of the particular period which was ended in the year 2008. This Court ordered notice and granted an order of interim injunction. Though this Court had directed the Registry to take steps to get the permission of the Hon'ble Chief Justice, posted the writ petition along with S.A.No.1463 of 1982, it is also reported that the second Appeal is also disposed.

6. It is made clear that though the lease was granted to the fourth and fifth respondent only for the period from 2003 to 2008, whether the lease was extended after 2008 or not is not known. Therefore, in the end of the year 2008 itself nothing survives in the writ petition. If at all, the writ petitioner can seek the extension of lease in the year 2008, therefore, at this stage nothing survives in adjudication in this writ petition.

7. Accordingly, this Writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//
Sub Assistant Registrar

vum

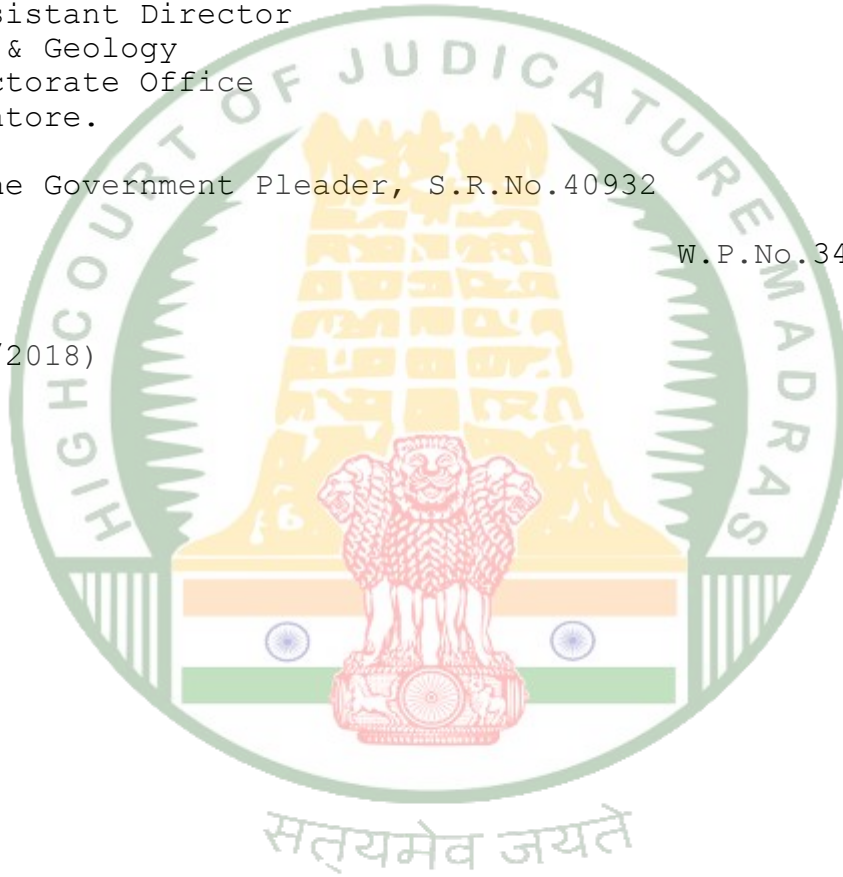
To

1. The Director of Mines and Geology
Guindy
Chennai
2. The District Collector
Coimbatore District
Coimbatore
3. The Assistant Director
Mines & Geology
Collectorate Office
Coimbatore.

+lcc to the Government Pleader, S.R.No.40932

W.P.No.34120 of 2003

GSP (24/07/2018)



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