



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A (MD) NO.162 OF 2014
and
M.P (MD) No.1 of 2014
AND
W.P (MD) NO.20288 OF 2013
and
M.P (MD) Nos.1 and 3 of 2013

W.A (MD) NO.162 OF 2014

R.Snehalin Sujatha @ Sneha Ajay
:Appellant/Petitioner/Petitioner

.vs.

- 1.The Government of Tamil Nadu,
represented by
The District Collector of Kanyakumari,
At Nagercoil,
Kanyakumari District.
- 2.The Director of Geology and Mining/
Commissioner of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
- 3.The District Collector of Kanyakumari,
At Nagercoil,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
Pin: 629 175.
- 5.The Tahsildar,
Kalkulam,
at Thucklay
Kanyakumari District
Pin 629 175.



6.The Revenue Inspector of Thuckalay Firka,
Velimalai,
Kalkulam Taluk,
Kanyakumari District.

7.The Sub-Inspector of Police,
Kotticodu,
Kanyakumari District.

: Respondents/Respondents/
Respondents

W.P (MD) NO.20288 OF 2013

R.Snehalin Sujatha @ Sneha Ajay :Petitioner

.vs.

1.The Government of Tamil Nadu,
represented by
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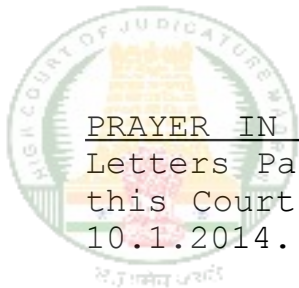
4.The Revenue Divisional Officer,
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7.The Sub-Inspector of Police,
Kotticodu,
Kanyakumari District.

: Respondents



PRAYER IN WRIT APPEAL: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in M.P(MD)No.1 of 2014 in W.P(MD)No.20288 of 2013, dated 10.1.2014.

PRAYER IN WRIT PETITION: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the fifth respondent pertaining to his Dstraint Order No.Nil, dated Nil, but signed on 19.6.2013, on his file, served on the Petitioner on 6.12.2013 and to quash the same and to direct the respondents 1 and 3 to 6, to keep in abeyance all actions pursuant to the order of the fourth respondent in his proceedings in Moo.Mu.A1/5674/12, dated 11.3.2013, on his file, confirmed by the order of the third respondent in his proceedings order in Na.Ka.No.229/PuMaSu/2013, dated Nil.06.2013, signed on 26.6.2013 on his file till the disposal of her Second Appeal before the second respondent, sent on 24.7.2013 and received by him on 26.7.2013.

W.A(MD)NO.162 OF 2014

For Appellant	:Mr.K.N.Thampi
For Respondents	:Mr.VR.Shanmuganathan Special Government Pleader

W.P(MD)NO.20288 OF 2013

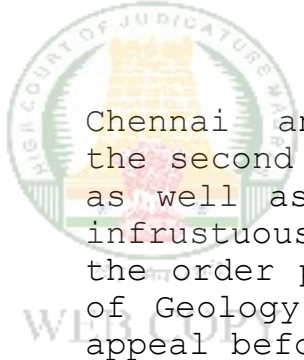
For Petitioner	:Mr.K.N.Thampi
For Respondents	:Mr.VR.Shanmuganathan Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by K.RAVICHANDRABAABU,J.]

This Writ Appeal is filed against the interim conditional order of stay granted by the Writ Court, thereby directing the Writ Petitioner to deposit 20% of the arrears due. Subsequently, the Writ Court based on the Petition filed by the Writ Petitioner in M.P (MD)No.2 of 2014, extended the time for such payment also by permitting the Writ Petitioner to pay a sum of Rs.5 lakhs on or before 31.01.2014 and the balance amount within a period of six weeks thereafter.

2.Mr.K.N.Thampi, learned counsel for the appellant submitted that the very Writ Petition was filed seeking for quashing the Dstraint Order, pending disposal of the Second Appeal filed by the Writ Petitioner before the Director of Geology and Mining/The Commissioner of Geology and Mining, Industrial Estate, Guindy,



Chennai and the said Second appeal was subsequently disposed of by the second respondent and therefore, the prayer in the Writ Petition as well as the relief sought for in the Writ Appeal has become infructuous. However, the learned counsel submitted that as against the order passed by the Director of Geology and Mining/Commissioner of Geology and Mining, Chennai, the Petitioner has filed further appeal before the Government, which is still pending. Therefore, he seeks liberty to file a fresh Writ Petition seeking for interim protection, pending disposal of the appeal. Needless to say that based on fresh cause of action, it is open to the Petitioner to seek appropriate relief before the appropriate forum, for which, no liberty is required.

3.The learned counsel for the appellant has also filed a memo, dated 22.07.2018 seeking permission to withdraw this Writ Appeal as infructuous, with liberty to seek appropriate relief in proper proceedings.

4.Accordingly, the Writ Appeal is dismissed as infructuous. Since the Writ Petition itself is filed for seeking for interim order pending disposal of the Writ Petition and in view of the fact that the second respondent has also disposed of the said appeal, nothing survives in the Writ Petition to be adjudicated upon further. Hence the Writ Petition is also dismissed as infructuous, however, by granting liberty to the Writ Petitioner/Appellant to work out her remedy in the manner known to law before the appropriate forum. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

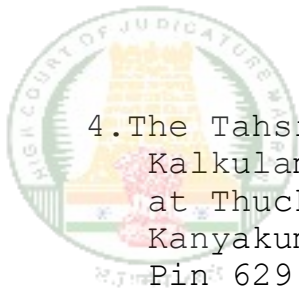
Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector of Kanyakumari,
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6.The Sub-Inspector of Police,
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Kanyakumari District.

+1cc to Mr.K.N.Thampi, Advocate, SR.No.74607

+1cc to M/s.Special Government Pleader,SR.No.74694

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vsn

KK/SV/SAR-1/25.07.2018/5P-9C/