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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD)No.829 of 2018

and C.M.P.(MD)Nos.4951 and 4952 of 2018

J.Venkadesh

.. Appellant/Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Deputy Director,
Department of Geology and Mining,
Virudhunagar District.

3.Mr.Amstrong Fernando

.. Respondents/Respondents

Prayer:- Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court in W.P.(MD).No.3070 of 2018, dated 15.02.2018.

Prayer in WP(MD). 3070/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.V.1/225/2017, dated 16/11/2017 and quash the same.

For Appellant : Mr.M.Gururaj

For Respondents : Mr.Aayiram K.Selvakumar for R1 & R2
Additional Government Pleader
Mr.Veerakathiravan, Senior counsel
for Mr.G.Mariappan for R3

J U D G M E N T

(Judgment of the Court was delivered by **K.KALYANASUNDARAM, J.)**

This writ appeal is directed against the order of the learned single Judge passed in W.P.(MD).No.3070 of 2018, dated 15.02.2018.

2.The writ petitioner is the appellant herein. The prayer in the writ petition is to cancel the mining lease issued in favour of the third respondent on the ground that the sale consideration as per the three sale deeds were not paid to the petitioner. Since the writ petition was dismissed, the present appeal is filed.



3. Heard Mr.M.Gururaj, learned counsel for the appellant, Mr.Aayiram K.Selvakumar learned Additional Government Pleader for the respondents 1 and 2 and Mr.Veera Kathiravan, learned Senior counsel for the third respondent.

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4.It seems that during the pendency of the writ appeal, the matter was compromised and out of three sale transactions, the third respondent has paid Rs.10,05,000/- (Rupees Ten Lakhs and Five thousand only) to the appellant by way of Demand Draft No.08828, dated 05.07.2018. In respect of two other two sale deeds the third respondent has paid the balance sale consideration by way of two Demand Drafts vide D.D.No.864399, dated 04.02.2019 for a sum of Rs.7,19,000/- (Rupees Seven Lakhs and Nineteen thousand only) and D.D.No.864398, dated 04.02.2019 for a sum of Rs.7,80,000/- (Rupees Seven Lakhs Eighty thousand only). The third respondent has filed a memo to that effect.

5.The appellant has filed an affidavit of undertaking to withdraw the Civil Suit filed against third respondent in O.S.No.90 of 2019 pending on the file of the I Additional District Judge, Virudhunagar at Srivilliputtur and the private complaint filed under Section 138 of Negotiable Instruments Act which is yet to be numbered.

6.In the light of the above facts and recording the undertaking affidavit of the appellant, dated 29.03.2019, this Writ Appeal is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Collector, Virudhunagar District.

2.The Deputy Director,
Department of Geology and Mining,
Virudhunagar District.

+2CC TO MR.G.MARIAPPAN, Advocate Sr. No.57837, 58169
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.58313

W.A. (MD) .No.829 of 2018
29.03.2019