



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7516 of 2022

and

W.M.P. (MD) .No.5678 of 2022

S.Samuvel

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Sub-Collector,
Sub-Collector's Office,
Palani.
- 3.The Assistant Director,
Department of Mines and Minerals,
Velunachiyar Complex,
Dindigul.
- 4.The Tahsildar,
Tahsildar Office,
Gujiliyamparai.

5.P.Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 not to grant any mining license or approval in respect of the property measuring a total extent of 3.01.00 hectares bearing Survey Nos.690/2 and 690/5 at Karikkali Village, Gujiliyamparai Taluk, Dindigul District by considering the petitioner's written objection dated 22.03.2022.

For Petitioner : Mr.A.Mohamed Haneef
for Mr.M.P.Senthil

For R-1 to R-4 : Mr.P.Thilak Kumar,
Government Pleader.

For R-5 : Mr.K.Suresh



ORDER

This Writ Petition has been filed for a Mandamus to forbear the respondents 1 and 2 not to grant any mining license or approval in respect of the property measuring a total extent of 3.01.00 hectares bearing Survey Nos.690/2 and 690/5 at Karikkali Village, Gujiliyamparai Taluk, Dindigul District by considering the petitioner's written objection dated 22.03.2022.

2. Heard Mr.A.Mohamed Haneef, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.K.Suresh, learned counsel, who accepts notice on behalf of the fifth respondent.

3. The contention of the petitioner in this Writ Petition is that he has already filed a civil suit in O.S.No.143 of 2021 on the file of the Sub Court, Vedasandur against the fifth respondent and the statutory authorities concerned. According to the petitioner, the fifth respondent had entered into a sale agreement with the petitioner, but, failed to perform his part of the contract by executing the sale deed in favour of the petitioner. In such circumstances, the aforementioned suit was filed by the petitioner seeking for specific performance of the said sale agreement. The petitioner has submitted the written objection dated 22.03.2022 before the official respondents stating his objections for the grant of mining lease in favour of the fifth respondent for the aforementioned property on the ground that he is an agreement holder and the fifth respondent has committed breach of contract under the said agreement.

4. Though, on a *prima facie* consideration, this Court is of the considered view that the objections raised by the petitioner with regard to the mining lease will not have any bearing to the application submitted by the fifth respondent seeking for mining lease, no prejudice would be caused to any of the respondents, if the objections raised by the petitioner are also considered on merits and in accordance with law before the grant of mining lease in favour of the fifth respondent.

5. Learned counsel for the fifth respondent has also not raised any serious objection for the said exercise.

6. For the foregoing reasons, this Writ Petition is disposed of by directing the third respondent to consider the petitioner's written objection dated 22.03.2022 with regard to the mining lease sought for by the fifth respondent on merits and in accordance with law before final orders are passed on the application submitted by the fifth respondent seeking for mining lease in respect of the property measuring a total extent of 3.01.00 hectares bearing Survey Nos.690/2 and 690/5 at Karikkali Village, Gujiliyamparai Taluk,



Dindigul District. There shall be no order as to costs.
Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

Lm

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Sub-Collector,
Sub-Collector's Office,
Palani.
- 3.The Assistant Director,
Department of Mines and Minerals,
Velunachiyar Complex,
Dindigul.
- 4.The Tahsildar,
Tahsildar Office,
Gujiliyamparai.

+1 CC to M/s.SPL.GP (SR-20108[F] dated 21/04/2022)

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-20688[F] dated 22/04/2022)

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