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W.P.Nos. 11769 and 11772 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos. 11769 and 11772 of 2023 &

WMP.Nos.11655, 11656 and 11660 of 2023

1.B.Vatsala

2.R.B.Jayakumar

3.R.K.Leela Krishnan

.... Petitioners in W.P.No.11769 of 2023

K.R.Ramesh

.... Petitioner in W.P.No.11772 of 2023

Vs

1.The District Collector
Ranipet District.

2.The Member Secretary
State Level Environment Impact Assessment Authority
Third Floor, Panagal Maligai,
No.1, Jeenai Road
Saidapet, Chennai – 600015.

3.The Director of Mines
Geology & Mining
Guindy, Chennai – 600032

4.The Regional Director



Tamilnadu Pollution Control Board

NH-40

Mukundarayapuram

Ranipet – 632 403

5.The Tahsildar

Taluk Office

Arakonam Taluk

Ranipet District

6.The Chairman

Pollution Control Board

Guindy, Chennai-600032

7.The Secretary

Government of Tamilnadu

Industries Department

Fort St.George

Chennai – 600 009

8.R.B.Raja

.... Respondents in both W.P.'s

PRAYER in W.P.No.11769 of 2023: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 29.03.2023 in Na.Ka.No.10/2021(Mines) and quash the same and direct the respondents 1 to 7 more particularly the 1st respondent to reject the application of the 8th respondent for grant of Stone Quarry Lease or License in his favour, with regard to land of an extent of 8.64 acres of land comprised in Survey Nos.351/1, 2 & 8, Authoor Village, Arakkonam Taluk, Ranipet District.

PRAYER in W.P.No.11772 of 2023: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 29.03.2023 in Na.Ka.No.10/2021(Mines) and quash the same and direct the respondents 1 to 7 more particularly the 1st respondent to reject the application of the 8th respondent for grant of Stone Quarry Lease or License in his favour, with regard



to land of an extent of 1.49 acres of land comprised in Survey Nos.351/2, Authoor Village, Arakkonam Taluk, Ranipet District.

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In both W.Ps

For Petitioners : Mr.S.Sadasharam

For Respondents : Mr.G.Ananda Kumar (R1, R3, R5 & R7)
Government Advocate
Ms.G.Priyadarshini (R4 & R6)
for Ms.Shenbagavalli Sekar
Mr.V.G.Suresh Kumar (R8)
No appearance (R2)

COMMON ORDER

These Writ Petitions are listed under the caption 'for withdrawal'. In W.P.No.11769 of 2023, an affidavit dated 20.11.2023 has been filed by R.B.Jayakumar on behalf of himself as well as the other two Writ Petitioners.

The affidavit states as follows:

3. I state that the very basis for filing the present writ petition is that the lands of an extent of 8.64 acres comprised in Survey Nos.351/1, 2 and 8 of Athoor Village, Arakkonam Taluk, Ranipet District, is the joint family property and is not the absolute property of the 8th respondent and therefore, he is not entitled to obtain mining license in respect of the said extent in his favour alone.

4. I state that the disputes between us and the 8th respondent have been amicably resolved and we therefore affirm and state that the 8th respondent has unimpeachable title to the of the extent of 8.64 acres comprised in Survey Nos.351/1, 2



and 8 of Athoor Village, Arakkonam Taluk, Ranipet District and is the full and absolute owner thereof.

5. I further affirm and state that the said property is not a joint family property but the individual property of the 8th respondent. We, the petitioners, have no claim in respect of the said property.

6. I state that in such circumstances, we withdraw our objection to the grant of license under the order impugned in the present writ petition by the respondent 1 to 7 in favour of the 8th respondent and state that we have no objection for the 8th respondent operating under the said license in the lands of an extent of 8.64 acres referred to above.

7. I therefore pray that recording the above, the present writ petition may be dismissed.

2. In W.P.No.11772 of 2023, the petitioner K.R.Ramesh has filed an affidavit dated 30.09.2023 averring as follows:

3. I state that the very basis for filing the said writ petition is that the said property was sold by me to the 8th respondent herein in and by a deed of sale dated 28.1.2019 registered as Document No.282 of 2019 in the office of the Joint II Sub-Registrar, Arakkonam and that the sale consideration as detailed in the said deed of sale was not paid to me. I have therefore contended in the present writ petition that I have not received the sale consideration for sale of the property under the deed of sale as detailed above and consequently challenged the mining license issued to the 8th respondent in respect of the said property by the 1st respondent.

4. I state that pending the writ petition, the matters have been amicably resolved and I hereby affirm and state that the entire sale consideration due for sale of the property under



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the deed of sale dated 28.1.2019 registered as Document No.282 of 2019 in the office of the Joint Il Sub-Registrar, Arakkonam, was paid and received by me. I therefore state that the said deed of sale is valid and binding. The 8th respondent is the full and absolute owner of the property and I have no further claim against the 8th respondent in relation to the said property.

5. I withdraw my objection to the order impugned in the present writ petition granting license in favour of the 8th respondent. I state that the writ petition may be dismissed recording the above.

4. Mr.S.Sadasharam, learned counsel on record for the petitioner in both Writ Petitions and Mr.V.G.Suresh Kumar, learned counsel for R8 state that the matter has been amicably settled in terms of the affidavits as above. An endorsement is made by the learned counsel for the petitioner on behalf of the respective parties in addition to the affidavits filed.

5. Taking note of the above, these Writ Petitions are dismissed as withdrawn. No costs. Connected Miscellaneous Petitions are also dismissed.

22.12.2023

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Index : Yes/No

Speaking Order:Yes

Neutral Citation:Yes

**Note: Registry is directed to issue order copy
on or before 26.12.2023**



DR.ANITA SUMANTH, J.

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To

- 1.The District Collector
Ranipet District.
- 2.The Member Secretary
State Level Environment Import Assessment Authority
Third Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet, Chennai – 600015.
- 3.The Director of Mines
Geology & Mining
Guindy, Chennai – 600032
- 4.The Regional Director
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- 5.The Tahsildar
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