



WEB COPY

W.P.No.8786 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8786 of 2024

J. Radha Krishnan S/o. K. Jangal Naidu

... Petitioner

Vs.

1. The Assistant Director (Mines),
Mines and Minerals Department,
Tiruppur.

2. Pon Jayabalakrishnan S/o. R. Ponnurangam

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to cancel the 20 years of permission given from Government for mine the minerals to the 2nd respondent until the case was pending before the Court at Avinashi in O.S. No.166 of 2021 or settle the full amount to the petitioner by the 2nd respondent.

For Petitioner

: Mr. K. Gajendiran

For Respondents

: Mr. E. Veda Baghath Singh
Special Government Pleader [for R1]



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ORDER

The Writ of Mandamus has been instituted to direct the 1st respondent to cancel the 20 years of permission given from Government to mine the minerals to the 2nd respondent until the case was pending before the Court at Avinashi in O.S. No.166 of 2021 or settle the full amount to the petitioner by the 2nd respondent.

2. Admittedly, the petitioner instituted a Civil Suit in O.s. No.166 of 2021. The grievance of the petitioner is that the Government granted permission for quarrying during pendency of the civil Suit. In the absence of any interim order from the Courts, there is no impediment for considering the applications filed by the petitioner for grant of mines in accordance with law. Mere pendency of a Suit is not a bar. If at all any grievance exists, the petitioner may work out his remedy in the pending Suit or by filing an appropriate petition. However, the Writ Court cannot conduct a roving enquiry for the purpose of crystalizing the rights of the parties, which all are of civil nature. Therefore, the petitioner has not made out any point for admission.



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3. Consequently, this Writ petition stands dismissed. There shall be no order as to costs.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

mjs

To

The Assistant Director (Mines),
Mines and Minerals Department,
Tiruppur.



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S.M.SUBRAMANIAM, J.

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