



S.A.(MD)Nos.283 and 284 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 16.07.2024

PRONOUNCED ON: 13 .12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

S.A.(MD)Nos.283 and 284 of 2018

and

C.M.P.(MD)No.7887 of 2018

S.A.(MD)No.283 of 2018:

M/s V.V.Minerals through its partner
S.Vaikundarajan,
S/o Subbiah Nadar,
having registered office at
Keeraikaranthattu,
Mahadevankulam Post,
Thisayanvilai, Radhapuram Taluk,
Tirunelveli District. : Appellant/Respondent/Plaintiff

Vs.

- 1.The State of Tamil Nadu,
through its District Collector,
Tirunelveli.
- 2.The Secretary to the Government,
Industries Department,
Fort St.George,
Chennai.



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- 3.The Director of Geology and Mining,
Guindy, Chennai-32.
- 4.The Assistant Director of Geology and Mining,
Kokkirakulam,
Tirunelveli-9.
- 5.The District Collector,
Tuticorin.
- 6.The Assistant Director of Geology and Mining,
Collectorate,
Tuticorin.
- 7.The District Collector,
Kanyakumari at Nagercoil.
- 8.The Assistant Director and Mining,
Collectorate,
Nagercoil.
- : Respondents/Appellants/Defendants

PRAYER:- Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.25 of 2007, on the file of the Principal District Court, Tirunelveli, dated 10.04.2018, reversing the judgment and decree passed in O.S.No.83 of 2005, on the file of the Principal Subordinate Court, Tirunelveli, dated 23.11.2006.

For Appellant : Mr.S.Meenakshi Sundaram

Senior Counsel

for Mr.M.Sengu Vijay

For Respondents: Mr.Veera Kathiravan

Additional Advocate General

assisted by

Mr.V.Om Prakash

Government Advocate



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M/s V.V.Minerals through its partner
S.Vaikundarajan,
S/o Subbiah Nadar,
having registered office at
Keeraikaranthattu,
Mahadevankulam Post,
Thisayanvilai, Radhapuram Taluk,
Tirunelveli District. : Appellant/Respondent/Plaintiff

Vs.

1.The TATA Steel Limited,
represented by its
Principal Officer,
Titania Business Unit,
Having Office at 17-C/33,
North High Ground,
Palayamkottai,
Tirunelveli. ... 1st Respondent/Appellant/3rd Party

2.The State of Tamil Nadu,
through its District Collector,
Tirunelveli.

3.The Secretary to the Government,
Industries Department,
Fort St.George,
Chennai.

4.The Director of Geology and Mining,
Guindy, Chennai-32.

5.The Assistant Director of Geology and Mining,
Kokkirakulam,
Tirunelveli-9.



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6.The District Collector,
Tuticorin.

7.The Assistant Director of Geology and Mining,
Collectorate,
Tuticorin.

8.The District Collector,
Kanyakumari at Nagercoil.

9.The Assistant Director and Mining,
Collectorate,
Nagercoil.

: 2 to 9 Respondents/2 to 9 Respondents/
Defendants

PRAYER:- Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.45 of 2008, on the file of the Principal District Court, Tirunelveli, dated 10.04.2018, reversing the judgment and decree passed in O.S.No.83 of 2005, on the file of the Principal Subordinate Court, Tirunelveli, dated 23.11.2006.

For Appellant : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.M.Sengu Vijay

For Respondents :Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.V.Om Prakash
Government Advocate
for R.2 to R.9
: No Appearance
for R.1



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COMMON JUDGMENT

These Second Appeals are directed against the common judgment dated 10.04.2018 made in A.S.Nos.25 of 2007 and 45 of 2008, on the file of the Principal District Court, Tirunelveli reversing the judgment and decree passed in O.S.No.83 of 2005, dated 23.11.2006, on the file of the Principal Subordinate Court, Tirunelveli.

2. The appellant as plaintiff has filed the suit claiming mandatory and permanent injunctions. The case of the plaintiff is that the plaintiff is a leading exporter in Minerals which are mined at Tirunelveli and Kanyakumari Districts with valid mining lease granted by the Government of Tamil Nadu, that all the mined materials are transported with dispatch slips issued by the fourth and eighth defendants and the mining leases are granted under the provisions of MMDR Act by the second and third defendants, that the plaintiff is doing mining operations after processing the minerals in their own Industry and export the processed minerals to abroad, that the plaintiff is having Star Export House status in exporting the said minerals, that the plaintiff is having



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five factories in Keeraikaranthattu, Vallanvilai, Vijayapathi, Ponnarkulam of Radhapuram Taluk and Kanagappapuram in Agastheeswaram Taluk, that the plaintiff is constructing 2 more factories in Midalam of Vilavancode Taluk, that the plaintiff in order to fulfil the demand of existing as well as new customers of overseas, he has been in a compulsion to put the factories, that the plaintiff has purchased minerals bearing patta lands in Tirunelveli, Kanyakumari and Tuticorin Districts and submitted mining lease applications as and when the legal formalities are completed, that the mining lease applications have to be submitted in Form-I along with the requisite documents and the original challans for payment of application fees of Rs.2,500/- and preliminary deposit of Rs.1,000/- and on receipt of the said applications, the respondent has to issue acknowledgment in Form-D as per the provisions of the MMDR Act and MC Rules framed thereunder, that the plaintiff has been carrying out direct mining operations by appointing statutory authorized persons such as mines mate, mining geologists, mines manager and mining engineer, that the plaintiff in order to meet international quality, they have provided trainings for the selected staff of the plaintiff, that the plaintiff's firm is the only Company having six Radiological Safety Officers duly approved by Atomic Energy



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Regulatory Board, that the plaintiff is the No.1 producer in Beach Minerals throughout India, that the plaintiff is a 100% EOU (Industrial license holder) having valid permission from the development commissioner of MEPZ under Import Export Policy and that the plaintiff industry has also been registered by the Director of Industries and Commerce.

3. It is the further case of the plaintiff that considering the above qualifications, the defendants 2 and 3 have already granted 22 mining leases to the plaintiff and also decided to grant additional mining leases in certain areas and sought approval of the Government of India for that areas, that as per the amended provision of MMDR Act and MC Rules, the pre-requisite for grant of mining lease is the consent of the owner for starting prospecting / mining operations where the land is not owned by the applicant, that the mining lease application has to be disposed of within a period of one year as per the MC Rules, that the respondents are not evincing interest in processing the plaintiff's mining lease applications and those applications were pending for processing in the defendants' office for year together, that the earliest application is of the year 1998, that the plaintiff came to know recently that the defendants are



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interested in processing some third party's mining lease applications on the plaintiff's own patta land, that the plaintiff came to know that the defendants are planning to acquire the land which is the subject matter of the plaintiff's mining lease application belonging to the plaintiff for mining purpose of the third party applicants, that there is no provision either in the Land Acquisition Act or MMDR Act or any other Act to acquire a mining lease applicant's land for granting mining lease to other parties, as it is against law as well as principles of natural justice, that the plaintiff's Company will face an irreparable loss if the defendants are not directed to stop processing of third party's mining lease applications on the plaintiff's own land without the consent of the plaintiff and that therefore, the plaintiff was constrained to file the above suit seeking direction against the defendants for granting the mining lease applications of the plaintiff applied for the plaintiff's own land within a stipulated time in accordance with law and for permanent injunction restraining the defendants from granting the mining lease applications of the third parties who have applied showing the land of the plaintiff in their mining application in respect of the plaintiff's own land.



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4. The defence of the defendants is that they are acting strictly in accordance with the stipulations made under the governing Act and Rules, that no undue delay without valid reasons are done to the plaintiff and no preference is given to any other applications beyond the stipulations made in the said Rules, that the fear of the plaintiff is not sustainable, as no action was taken by the defendants to acquire the lands of the plaintiff on the applications of the third parties, that the Government of Tamil Nadu has entered into a memorandum of understanding dated 27.06.2002 with the Tata Iron and Steel Company Limited for setting up a “Ti O₂ Project” based on the Heavy Mineral and deposits occurring in Tuticorin and other places in Tamil Nadu, that the lands described in the plaint “A” schedule had not been cited by any third party for grant of licence for any purpose, that the recommendations with regard to the items 5, 8, 9, 12 and 15 in “B” schedule have already been made to the Government for passing suitable orders in favour of the plaintiff's Company, that the Government have already sent a report in respect of the lands in items 1, 2 and 10 to the Government of India for the grant of licence to the plaintiff and other items are under the consideration of the Government, that the applications for items 12 and



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13 have been received from the plaintiff recently, that the prospecting licence in respect of item No.10 with regard to S.No.1462/1C2 has been granted to TATA Iron and Steel Company Limited and since the plaintiff was the owner of the said land and applied for the licence, the same was deleted from the licence granted to the said TATA Iron and Steel Company Limited and that no application of the third party has been recommended for the grant of licence in respect of the plaintiff's land shown in “B” schedule.

5. It is the further defence of the defendants that the plaintiff has filed 16 mining lease applications for grant of mining lease to mine Garnet, Ilmenite, Rutile etc., in the “C” schedule and out of the said 16 applications, 14 applications have already been forwarded to the Government through the Director of Geology and Mining, Chennai for grant of mining lease and for the land in Serial No.16 in “C” schedule, mining lease has already been granted to the plaintiff and that the land in Serial No.15 of “C” schedule is pending in the seventh defendant's office for want of land availability report.



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6. It is the further case of the defendants that Indian Rare Earths Limited, Manavalakurichi have also filed mining lease application in respect of the lands in Serial Nos.7, 9, 12, 14 and 15 of “C” schedule and their applications have already been forwarded by the seventh defendant to Government for rejecting the same, that the suit itself is not maintainable as there is no cause of action, that the reliefs claimed by the plaintiff cannot be granted by the civil Court and that since the defendants are not granted nay licence in favour of the third party in respect of the suit properties, the grant of injunction does not arise and that the suit is liable to be dismissed with costs.

7. The learned Subordinate Judge, upon perusing the pleadings of both parties, has framed the following issues:

(1) Whether it is correct that the civil Court has no jurisdiction to entertain the suit?

(2) Whether it is correct to say that the suit filed by the plaintiff is a premature?

(3) Whether the plaintiff is entitled to get the relief of permanent injunction as claimed?



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(4) Whether the plaintiff is entitled to get the relief of permanent injunction as prayed for?

(5) To what other relief, the plaintiff is entitled?

8. During trial, the plaintiff has examined its partner as P.W.1 and exhibited 60 documents as Exs.A.1 to A.60. The defendants had examined their official – Soma Sekar as D.W.1 and adduced no documentary evidence. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both sides, has passed the judgment and decree dated 23.11.2006, granting the reliefs of mandatory injunction and permanent injunction. Challenging the said judgment and decree passed by the trial Court, the defendants have preferred an appeal and the same was pending in A.S.No.25 of 2007, on the file of the Principal District Court, Tirunelveli. A third party (M/s TATA Steel Limited) has filed an appeal in A.S.No.45 of 2008 challenging the very same judgment and decree dated 23.11.2006, on the file of the Principal District Court, Tirunelveli.

9. The learned Principal District Judge, after considering the materials available on record and on hearing the arguments of both sides,



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has passed a common judgment dated 10.04.2018 by allowing both the appeals and thereby setting aside the judgment and decree passed by the trial Court and consequently, dismissed the suit with costs. Aggrieved by the impugned common judgment and separate decrees, the plaintiff has preferred the present Second Appeals.

10. Though the Second Appeals are pending from 2018 onwards, the same are not yet admitted and hence, the Substantial Questions of Law were not formulated.

11. Heard Mr.S.Meenakshi Sundaram, learned Senior Counsel for the appellant and Mr.Veera Kathiravan, learned Additional Advocate General appearing for the official respondents.

12. Before entering into further discussion, it is necessary to refer the mandate of the Hon'ble Supreme Court for High Courts in deciding the Second Appeals under Section 100 of the Civil Procedure Code, in the case of ***Gurnam Singh (dead) by LRs., and others Vs. Lehna Singh (dead) by LRs.***, reported in ***AIR 2019 SC 1441***, that the jurisdiction of the High Court in an appeal under Section 100 of the Code of Civil



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Procedure is strictly confined to the case involving substantial question of law and the relevant passage is extracted hereunder:

“18. Before parting with the present judgment, we remind the High Courts that the jurisdiction of the High Court, in an appeal under Section 100 of the CPC, is strictly confined to the case involving substantial question of law and while deciding the *second appeal under Section 100 of the CPC*, it is not permissible for the High Court to re-appreciate the evidence on record and interfere with the findings recorded by the Courts below and/or the First Appellate Court and if the First Appellate Court has exercised its discretion in a judicial manner, its decision cannot be recorded as suffering from an error either of law or of procedure requiring interference in Second Appeal. We have noticed and even as repeatedly observed by this Court and even in the case of *Narayanan Rajendran v. Lekshmy Sarojini*, (2009) 5 SCC 264, despite the catena of decisions of this Court and even the mandate under *Section 100 of the CPC*, the High Courts under *Section 100 CPC* are disturbing the concurrent findings of facts and/or even the findings recorded by the First Appellate Court, either without formulating the substantial question of law or on framing erroneous substantial question of law.”



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13. Bearing the above legal position in mind, let us proceed with the present case.

14. At this juncture, it is necessary to refer the two reliefs claimed by the plaintiff ie., mandatory and permanent injunctions and the same are extracted hereunder:

“ a) directing the defendants from granting the mining lease applications of the plaintiff applied for the plaintiff's own land within a stipulated time in accordance with law;

b) restraining the defendants from granting the mining lease applications of the 3rd parties who have applied showing the land of the plaintiff in their mining application in respect of the plaintiff's own land.”

15. The learned Senior Counsel for the appellant would submit that the first appellate Court, without considering the documents has given an erroneous finding that the applications given by the plaintiff are incomplete, that the plaintiff has produced Exs.A.6 to A.45 Form-D acknowledgment issued by the respondents for getting the mining lease applications and that all the statutory documents required under Rule



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22(3)(i) (a to h) have been submitted along with the applications, that the above documents would go to show that the plaintiff submitted their applications along with application fees, security deposit, Mining due clearance certificate or affidavit, Income Tax due clearance certificate or affidavit, MC Rule 22(3)(1)(g) affidavit for existing and applied areas and consent letter for surface right or starting mining operations, that the plaintiff has also produced the copies of patta under Exs.A.50 to A.56 to show that the lands belong to the plaintiff and that therefore, the findings of the first appellate Court in this regard cannot be sustained.

16. The learned first appellate Judge, upon considering the documents under Exs.A.6 to A.49 has observed that though the applicant was requested to produce the approved mining plan immediately, but it is not the case of the plaintiff that they have complied with the said direction. Moreover the learned Judge observed that the District Collector, Tirunelveli has specifically sought the applicant to produce the village accounts and sketches to their office, but there is no evidence to show that the said documents were submitted.



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17. As rightly pointed out by the learned Additional Advocate General, Rule 22(4) of the Mining Concession Rules 1960 contemplates that the applicant has to submit the mining plan within a period of six months or such other period permitted by the State or Central Governments for its approval. Rule 4(B) stipulates that the Central Government or State Government shall dispose of the application for approval of the mining plan within a period of 90 days from the date of receiving such applications. It is pertinent to note that the above said period of 90 days shall be made applicable only if the mining plan is completed in all aspects.

18. The learned first appellate Judge by observing that the submission of the mineral plan is a sine qua non for granting of mining lease, has held that the plaintiff has not satisfied the mandatory requirement, Section 39 of the Specific Relief Act which deals with mandatory injunction states that a Court can grant injunction to prevent breach of an obligation by compelling the performance of certain acts. The injunction can prevent the breach or compel the performance of the required acts. Section 39 gives power to the Court to grant direction to compel the defendant to do certain acts, which the Court is capable of



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enforcing the same. It has to be shown that the directions are necessary in order to prevent the breach of an obligation.

19. Considering the above, the learned first appellate Judge has rightly come to a finding that the plaintiff has failed to prove that he has completed his part of the obligation in order to claim his right that the defendants have to consider his applications and inspite of his reminders, there is a breach of obligation by the defendants. Though the plaintiff has alleged that the mining lease application has to be disposed of within a period of one year, he has not elaborated anything further. Moreover, the plaintiff's partner – P.W.1 in his evidence before the trial Court would admit that the defendants have granted mining lease with regard to item Nos.2, 4, 7, 9, 10 and 11 of “A” schedule, item No.2 of “B” schedule and item Nos.4, 7 and 16 of “C” schedule properties.

20. As rightly observed by the learned first appellate Judge, the plaintiff has submitted some applications in November 2004 and some applications on 08.06.2005 and 09.06.2005. Admittedly, the suit was filed on 15.06.2005. As rightly pointed out by the defendants' side, some applications were filed 7 months prior to the filing of the suit and



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some applications just 7 days prior to the filing of the suit. As rightly observed by the first appellate Court, the contention of the defendants that the plaintiff has approached the Court prematurely cannot be found fault with.

21. It is pertinent to note that Section 4(3) of MMDR Act contemplates that the State Government shall consult the Central Government before issuing any reconnaissance, prospecting or mine operations. No doubt, Section 10 of MMDR Act gives power to State Government to receive the applications. In the case on hand, the plaintiff has also applied for mining lease and also for the minerals which listed in part-B of I Schedule. Moreover, the plaintiff has sought for new mining lease which was not already held under reconnaissance permit, prospecting licence or mining lease and that therefore, as rightly contended by the learned Additional Advocate General, consultation of the Central Government is mandatory before taking any decision on the applications. But admittedly, the Central Government is not a party to the suit. As rightly observed by the first appellate Court, as per the scheme of the Act, the Central Government is enjoying the supremacy over the State Government and as such, directing the defendants to



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consider the plaintiff's application without hearing the Central Government cannot be sustained. The plaintiff has alleged that he has presented 44 applications before the defendants, in which, the plaintiff has shown 16 items of property of Kanyakumari District in "C" schedule and 12 items of properties of Tirunelveli District and 17 items of properties of Tuticorin District.

22. The learned Senior Counsel appearing for the plaintiff would submit that MMDR Act came to be amended, vide Act 10 of 2015 and through which Section 10A was inserted which says all applications received prior to the date of commencement of Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall become eligible, but there are certain exemptions under Section 10A(2)(c) of the said amendment.

23. It is necessary to refer Section 10A of the Act for better appreciation, which is extracted hereunder:

"10A. Rights of existing concession holders and applicants:

(1) All applications received prior to the date of commencement of the Mines and Minerals (Development



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and Regulation) Amendment Act, 2015, shall become ineligible.

(2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:-

(a)

(b)

(c) where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act: Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this subsection except with the previous approval of the Central Government.”



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24. No doubt, exemption can be claimed where it is shown that the Central Government has already communicated previous approval as required under Section 5(1) for grant of mining lease or if a letter of the intent has been issued by the State Government to grant a mining lease, before the commencement of Mines and Minerals (Development and Regulation) Amendment Act, 2015.

25. The learned Senior Counsel would submit the second defendant in the written statement has stated that the State Government has already decided to grant mining lease to the plaintiff and recommended to Government of India for grant of lease as at that time, Ilmenite, Rutile, Leucoxene, Zircon of I Schedule Part-B Atomic Minerals and that Section 10A(2)(c) will applicable to the applications and that the applications do not become ineligible due to Section 10A(2)(c) MMDR Act.

26. As rightly pointed out by the defendants' side in the written statement, the second defendant has stated that the recommendations have already been made to the Government with regard to “B” schedule, except Sl.Nos.5, 8, 9, 12 and 15, that they have sent a representation to



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the Government of India with regard to Sl.Nos.1, 2 and 10 and that the other items are under the consideration of the Government. As already pointed out, P.W.1 in his evidence would admit that after filing of the suit, the defendants have granted mining lease with regard to six items of properties in “A” schedule, one item in “B” schedule and 3 items in “C” schedule. Considering the above, the contention of the plaintiff that they are entitled for the exemption under Section 10A(2)(c) cannot be accepted.

27. The learned Senior Counsel would further contend that MMDR Act was subsequently amended vide amended Act 16 of 2023 and as per the amended Act, Sl.No.7 Titanium bearing minerals (Ilmenite, Rutile, Leucoxene) and No.11 Zirconium bearing minerals including Zircon were shifted from Part-B Atomic Minerals to Part-D Critical and strategic minerals and that therefore, with effect 09.08.2023, the minerals applied by the plaintiff are not atomic minerals, but they are Part-D Critical and strategic minerals. Even according to the plaintiff, the said amendment came into force only from 09.08.2023 and as such, the same cannot be applied for the pending applications, on the date of filing of the suit.



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28. Considering the above, the decision of the first appellate Court that the plaintiff is not entitled to get a mandatory injunction as claimed cannot be found fault with.

29. Now turning to the second prayer of permanent injunction restraining the defendants from granting the mining lease in favour of the third parties in respect of the plaintiff's own lands, the defendants in the written statement itself has taken a specific stand that the mining applications of the third parties cannot be taken into consideration in respect of the lands of the plaintiff. In paragraph No.4 of the written statement, it has been stated “the fear of the plaintiff is not sustainable as no action was taken by the defendants for acquiring the lands of the plaintiff on the applications of third parties, In paragraph No.5, “the lands described in the plaint “A” schedule had not been cited by any third party for the grant of any licence for any purpose. Therefore, the question of processing any application in respect of the plaint “A” schedule property does not arise.” In paragraph No.6, “ in item 10, regarding S.No.1462/1C2 a prospecting licence has been granted to Tvl.TATA Iron and Steel Company Limited, as the plaintiff was the owner of the said land and applied for licence, the same was deleted from



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the licence granted to Tvl.TATA Iron and Steel Company Limited, as such no application of the third party has been recommended for the grant of licence in respect of the plaintiff's land, which is mentioned in "B" Schedule. In paragraph No.7, "Further the serial No.7, 9, 12, 14 and 15 of the "C" Schedule, Tvl.Indian Rare Earthe Limited, Manavalakurichi have also filed mining lease application to certain survey numbers and their applications have also been forwarded by the seventh defendant to Government for rejecting the same". In paragraph No.8, "It is submitted no piece of land belonging to the plaintiff mentioned in "A" to "C" schedule was taken into consideration for grant of licence in favour of any third parties." Moreover, the learned Additional Advocate General would submit that the mining lease applications filed by TISCO was not granted lease so far, that as per the recent amendments to Mines and Minerals (Development and Regulation) Act, 1957 and newly framed AMCR, 2016, the pending applications not disposed prior to the commencement to the Amendment Act, 2015 have become ineligible and hence, the mining lease applications of TISCO attracts Section 10A(1) of the said Act and becomes ineligible and that therefore, the apprehension raised by the appellant is irrelevant. Considering the specific defence of the



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defendants, as rightly contended by the learned Additional Advocate General, the apprehension of the plaintiff is absolutely devoid of any basis and as such, the plaintiff is not entitled to get the relief of permanent injunction as prayed for.

30. Regarding the plea of the defendants that the suit itself is not legally maintainable, the learned first appellate Judge by observing that MMDR Act is the self contained Code and it provides procedures for receiving the applications and for disposing of the same and that though there is no express bar of the jurisdiction of the civil Courts, considering the inbuilt mechanism in the Act itself, has come to a decision that MMDR Act and Rules made thereunder impliedly barred the jurisdiction of the civil Court. Considering the provisions of the MMDR Act and Rules made thereunder, this Court is in agreement with the findings of the first appellate Court.

31. It is pertinent to note that the first appellate Court on appreciating and re-appreciating the evidence and the legal aspects in proper perspective, has come to a definite decision that the suit itself is not maintainable and as such, the plaintiff is not entitled to get any of the



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reliefs claimed. On a perusal of the judgments of the first appellate Court, as rightly contended by the learned Additional Advocate General, no question of law much less Substantial Question of Law is made out. It is settled law that right of appeal is not automatic and the same is conferred by statute, which confers a limited right of appeal restricted only to cases which involved substantial question law. Hence, this Court concludes that since, no Substantial Question of Law is made out in these Second Appeals, the same are liable to be dismissed.

32. In the result, the Second Appeals are dismissed, confirming the common judgment, dated 10.04.2018 made in A.S.Nos.25 of 2007 and 45 of 2008, on the file of the Principal District Court, Tirunelveli. Consequently, the connected Miscellaneous Petition is also dismissed. The parties are directed to bear their own costs.

13.12.2024

NCC : Yes:No
Index : Yes : No
Internet : Yes : No

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1. the Principal District Court, Tirunelveli.
- 2.the Principal Subordinate Court, Tirunelveli.
3. II Additional Subordinate Court, Madurai.
- 4.The District Collector,
Tirunelveli.
- 5.The Secretary to the Government,
Industries Department,
Fort St.George,
Chennai.
- 6.The Director of Geology and Mining,
Guindy, Chennai-32.
- 7.The Assistant Director of Geology and Mining,
Kokkirakulam,
Tirunelveli-9.
- 8.The District Collector,
Tuticorin.
- 9.The Assistant Director of Geology and Mining,
Collectorate,
Tuticorin.
- 10.The District Collector,
Kanyakumari at Nagercoil.
- 11.The Assistant Director and Mining,
Collectorate,
Nagercoil.



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12. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

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