



WEB COPY



W.A.No.86 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.86 of 2025

M.Senthilkumar

... Appellant

Vs.

1.The Commissioner of Mines & Geology,
Chennai.

2.The District Collector,
Erode District.

3.The Deputy Director of Mines,
Office of District Collector,
Erode District.

4.The Assistant Director of Mines,
Office of District Collector,
Erode.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 20.09.2024 passed in the Writ Petition in W.P.No.2462 of 2024.



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For Appellant : Mr.S.Parthasarathy, Senior Counsel
for Mr.P.Dinesh Kumar
For Respondents : Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by Mr.E.Vijay Anand,
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The Writ Petition filed by the appellant has been dismissed, solely on the ground that the earlier Writ Petition filed by the appellant challenging the very same impugned order, dated 12.01.2024 was withdrawn without reserving liberty.

2. Mr.S.Parthasarathy, learned Senior Counsel appearing for the appellant would seek to rely upon the observation of this Court made in daily order dated 21.06.2024, which reads as follows:-

The prayer of the petitioner is for extension of lease period on the ground that there has been delay caused by the



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respondents during the lease period. This is denied by the respondents.

2. Moreover, there is a substantial difference in the affidavit filed by the petitioner in W.P.No.687 of 2024 which was withdrawn, and the present affidavit.

3. To be noted that the prayer in both the writ petitions are one and the same. Let both the parties give a timeline in order that the Court may appreciate the nature of the delay and who is responsible for the same.

4. List on 04.07.2024.

to contend that this Court had entertained the second Writ Petition despite the fact that the first Writ Petition was withdrawn.

3. From the order extracted above, the learned Senior Counsel would seek us to presume that this Court has held that withdrawal of the earlier Writ Petition will not operate as a bar for the second Writ Petition. We are unable to read the order in the manner suggested by the learned Senior Counsel.

4. Reliance is also placed on certain proceedings of the respondents, wherein extensions have been granted in similar circumstances. We feel that it is very unsafe to rely upon such proceedings, as these proceedings are always



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made for extraneous consideration.

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5. We don't find any merit in this Writ Appeal. The Writ Appeal therefore fails and it is accordingly **dismissed**. No costs.

(R.S.M.,J.) (C.K.,J.)
20.01.2025

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order

To

1.The Commissioner of Mines & Geology,
Chennai.

2.The District Collector,
Erode District.

3.The Deputy Director of Mines,
Office of District Collector,
Erode District.

4.The Assistant Director of Mines,
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