



W.P.(MD).No.23798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.23798 of 2024
and
W.M.P.(MD).No.20183 of 2024

P.Velmurugan

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District,
Nagercoil.
- 2.The Assistant Director of Mines,
Mines and Minerals Department,
Nagercoil,
Kanniyakumari District.
- 3.The Executive Engineer,
Kothaiyar Basin Division,
Water Resource Department,
Nagercoil,
Kanniyakumari District.
- 4.The Revenue Divisional Officer,
Nagercoil Revenue Division,
Nagercoil,
Kanniyakumari District.



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5.T.Rajavelpandian,
Managing Partner,
M/s.TTK Construction,
Door No.5/1, Mayilagam,
Thirumukkulam South Street,
Madurai, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to cancel the order issued by him in Na.Ka.No.72/PuMaSu/2024 dated 19.06.2024.

For Petitioner : Mr.N.Pragalathan
For R-1 to R-4 : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.P.Thilak Kumar
Government Pleader
For R-5 : Mr.RM.Arun Swaminathan

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The grievance of the petitioner in this Public Interest Litigation is that the fifth respondent herein has resorted to illegal mining, over and above the area granted under the lease and therefore, seeks for cancellation of the lease dated 19.06.2024.



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2. Through an interim order dated 12.11.2024, we had recorded the submission of the learned Additional Advocate General that the authorities have already issued a show cause notice under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 and directed them to proceed with the enquiry after giving opportunity to the fifth respondent herein.

3. In compliance with the interim orders of this Court, the District Collector had proceeded with the enquiry and after giving an opportunity to the fifth respondent herein, had passed final orders on 10.01.2025, cancelling the mining lease granted to the fifth respondent herein. In the said proceedings, it was also recorded that the fifth respondent herein had resorted to illegal mining by violating the lease conditions.

4. In view of the cancellation of the lease, the grievance of the petitioner herein stands redressed and hence, no further orders are required to be passed in the present Writ Petition. In case the fifth respondent is aggrieved against the cancellation order dated 10.01.2025, he is at liberty to prefer an appeal in accordance with the procedure contemplated under the Tamil Nadu Minor Mineral Concession Rules, 1959.



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5. Accordingly, the Writ Petition stands closed. There shall be no order as

to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
20.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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Kanniyakumari District,
Nagercoil.

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3.The Executive Engineer,
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4.The Revenue Divisional Officer,
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