

In the High Court of Judicature at Madras

Dated: 07.10.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mrs. Justice PUSHPA SATHYANARAYANA

Writ Appeal No. 1482 of 2015

Selvaraj

.. Appellant

vs.

1. The Member Secretary
Tamil Nadu Pollution Control Board
Guindy, Chennai 600 032.

2. The District Collector
Salem District.

3. The Tahsildar (Mines)
Salem.

4. T. Srinivasan

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.11.2014 passed by the learned Single Judge, in Writ Petition No.30042 of 2014 on the file of this Court. Petition presented under Art 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to forthwith stop the mining activity in S.No.161 part in Nadupatty Village, Omalur Taluk.

For Appellant : Mr. Govindarajan
For Respondents : Mrs. Rita Chandrasekar
Standing Counsel for R1
Mr. S.T.S. Murthi
Govt. Pleader, assisted by
Mr. V.R. Kamalanathan
Addl. Govt. Pleader for R2 & R3.

J U D G M E N T

(Made by The Hon'ble The Chief Justice)

Learned counsel for the appellant seeks to contend that the appellant was never a partner with the fourth respondent in any business. However, a perusal of the impugned order shows that it is predicated on a finding of an admitted position that the appellant and the fourth respondent were partners and there was a difference of opinion, resulting in the consequences of the appellant having come out of the partnership firm. Thereafter, the appellant made the allegation against the fourth respondent of illegal quarrying of blue metals. The rejection of the petition is on the ground that the same arose out of business rivalry and is a private dispute.

2. If the factual scenario was different and it was not such an admitted position, then the appellant ought to have filed a review application before the learned Single Judge. We will go by the finding recorded by the learned Single Judge that this position has been admitted before the learned Single Judge.

3. We may also add another aspect as pointed out by the learned counsel for the first respondent to the effect that there is no quarrying being carried on at all at the site. Learned counsel for the appellant seeks to dispute this position. However, there is no material on record showing that the mining activity of the fourth respondent had recommenced as alleged in para 2 of the affidavit filed in support of the original petition.

4. Thus, we are not inclined to entertain the appeal. Accordingly, the writ appeal stands dismissed. No costs.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ATR

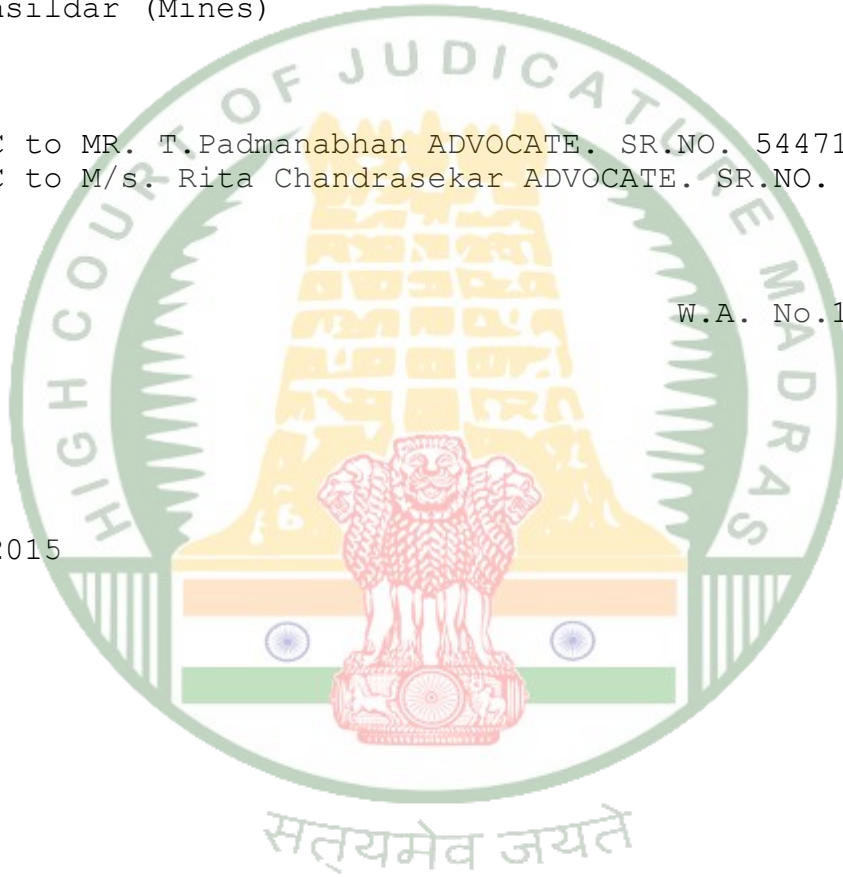
Copies to;

1. The Member Secretary
Tamil Nadu Pollution Control Board
Guindy, Chennai 600 032.
2. The District Collector
Salem District.
3. The Tahsildar (Mines)
Salem.

+1 CC to MR. T.Padmanabhan ADVOCATE. SR.NO. 54471
+1 CC to M/s. Rita Chandrasekar ADVOCATE. SR.NO. 54519

W.A. No.1482 of 2015

CO-TEJ
JD 15/10/2015



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