

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE PUSHPA SATHYANARAYANA

W.A.Nos.1442, 1502, 1242, 1241, 619 and 1701 of 2015
and M.P.No.1 of 2015

1. The State of Tamil Nadu
represented by its Secretary
Industrial Department,
Fort St.George,
Chennai 600 009.

2.The District Collector,
Madurai District,
Madurai.

... Appellants/Respondents
in all WPs

Versus

M/s.PRP.Exports
represented by its Partner Mr.P.Senthilkumar
Therkkutheru Village,
Melur Taluk,
Madurai District.

.. Respondents/Petitioners in
WA Nos.1442, 1242, 1241
and 1701/2015

Mr.K.Murugesan
Mr.Vijaya Granites

...Respondent in W.A.No.1502 of 2015
...Respondent in W.A.No.619 of 2015

These writ appeals are filed under Clause 15 of Letters Patent against the order dated 05.11.2014 made in W.P.Nos.15585 and 15586 of 2014 and 20166, 20167/13 and 15587, 15584/2014.

Writ petitions filed U/A 226 of the Constitution of India for a writ of Mandamus or any other writ order or direction in the nature of writ forbearing the respondents, their agents, Officers and men etc in any way dealing with waste, overburden, rejects and non-Saleable granite blocks stored or lying in the Government Poromboke lands comprised in Survey No.260, 296/5 and

297/5 situated in keelavalavu Village, Melur Taluk, Madurai District and Subject matters of the 2nd Respondents Public Notice dated 27.2.2014 (W.P.No.15586 of 2014) Survey No.250/7, 250/10 and 525/1 situated in Thiruvathavoor Village, Melur Taluk, Madurai District the subject matters of the 2nd respondents Public Notice dated 27.02.2014 (W.P.No.15587 of 2014)

W.P.Nos.15584 and 15585 of 2014:

Survey No.67/1 69/2 71 81/5 113/7 137/13 137/15 149/5 150/1 228 situated in Keelaiyur Village in Survey No.6 220 317 situated in E.Malampatti Village in Survey No.20 situated in Navinipatti Village in Survey No.12/3 33/2 34/4A 34/4B 34/5 60/12 66/11 84/1 254 257/3 257/4 situated in Keelavalavu Village in Survey No.521/7 situated in Thiruvathavoor Village and all the said five villages situated in Melur Taluk Land in Survey No. 101/4 105/1 109, 110 situated in Thirumohur Village, in Survey No.206/16, Situated in Poolampattin Village, in Survey, No.41/5 and 52/1B situated in Sivalingam Village and all the said three Villages situated in Madurai North taluk and both the Taluks are in Madurai District the subject matters are the 2nd respondent public notice dated 27.02.2014.

WP No.20166/2013: Writ petitions filed U/A 226 of the constitutions of India to forbearing the respondents their agents officers and men etc., in any way dealing with waste, overburden, rejects and non-saleable granite blocks etc., stored/lying (either in the vacant patta lands of the petitioner or in the vacant patta lands in respect of which the petitioner got surface rights or in the vacant lands of the Government which are situated either in the adjoint or nearby lease granted patta lands of the petitioner measuring 8-41 Acres, comprised in Survey No.684/2A etc., situated in NAVINIPATTI Village, Melur Taluk, 2-67 Acres, in Survey No.69/1 etc., 5-61 Acres in Survey No.92/1 etc. 2-56 Acres, in Survey No.113/1 etc., 5-00 Acres, in Survey No.30/1B etc., situated in Keelaiyur Village, 17-92 Acres, in Survey No.71/4 etc., 6-15 Acres, in Survey No.62/1 etc., 3-84 Acres, in Survey No.63/1A etc., 5-34 Acres in Survey No.298/3A1 etc., Keelavalavu Village, 7-16 Acres, in Survey No.268/1 etc. situated in Keelavalavu and SARUGUVALAYAPATTI Villages, 7-20 Acres, in Survey No.221/1A1 etc., 6-69 Acres, in Survey No.329/1 etc., 9-42 Acres, in Survey No.225/3 etc., 3-64 Acres, in Survey No.237/1 etc., situated in E.MALAMPATTI Village and all the five Villages situated in Melur Taluk, Madurai Districts 15-45 Acres in Survey No.197/1A1(P) etc., situated in POOLAMPATTI Village, 29-31 Acres in Survey No.56/1 etc., situated in SIVALINGAM & THIRUMOHUR Villages and

16-62 Acres in Survey No.3/1 etc., situated in KARUPPUKKAL Village and all the four Villages are situated in Madurai North Taluk, Madurai District till the completion of the investigation and adjudication and (prayer amended as per order dated 14.08.2013 by DHPJ in MP 2 and 3 /2013 in WP No.20166/2013.

WP No.20167/2013:

Writ petition filed U/A 226 of the constitution of India to issue a WRIT OF MANDAMUS or any other writ, order or direction in the nature of writ forbearing the respondents their agents officers and men etc. in any way dealing with waste overburden rejects and non-saleable materials etc. granite blocks stored/lying either in the adjoining or nearby patta lands or in the adjoining or nearby Government poramboke lands of the lease granted areas of the petitioner measuring 11-42 Acres in Survey No.788/3 etc. situated in A.Vellalapatti Village 2-63 acres in Survey No.18/1A etc. 14-76 Acres in Survey No.35/1A etc. 3-19 Acres in Survey No.2/2A etc. situated in Navinipatti Village and in Survey No.225/1(P) etc. situated in Keelaiyur Village 3-71 Acres in Survey No.226/2(P) etc. 3-54 Acres in Fifteenth page, corns:- Survey NO.231/7 etc. 2-88 Acres in Survey Nos.225/4(P) etc. 4-03 Acres in Survey Nos.97/1 etc., situated in Keelaiyur Village, 4-00 Acres in Survey Nos.10/5A1 etc., 6-53 Acres in Survey Nos.37/1A etc., 3-08 Acres in Survey Nos.99/9 etc., 2-49 Acres in Survey Nos.270(P) etc., 46-14 Acres in Survey Nos.2273(P) situated in Keelavalavu Village, 4-14 Acres in Survey Nos.238/1A etc., 6-22 Acres in Survey Nos.259/1B etc. 2-79 Acres in Survey Nos.238/9 etc., 17-35 Acres in Survey Nos.2/2(P) etc. 41-01 Acres in Survey Nos.7/1A etc. 76-34 Acres in Survey Nos.231/1A etc., 31-79 Acres in Survey Nos.8/7 etc., situated in E.MALAMPATTI Village, 6-13 Acres in Survey Nos.213/4B etc., situated in THANIYAMANGALAM Village, 7-73 Acres in survey Nos.521/3B etc., situated in THIRUVATHAVUR Village, 8-51 Acres in Survey Nos.59/5B etc., situated in IDAYAPATTI Village, 9-81 Acres in Survey Nos.124/2A etc., situated in IDAYAPATTI & AMOOR Village 10-19 Acres in Survey Nos.11/1A etc. situated in SIVALINGAM & KODIKULAM Villages, 11-14 Acres in survey Nos.43/2 etc., and 36-44 Acres in Survey Nos.40/1A etc., situated in SIVALINGAM Village, 11-63 Acres in Survey Nos.209/1 etc., situated in POOLAMPATTI Village, 6-61 Acres in Survey Nos.4/1A etc., situated in ILLANKIYENTHAL Village all the 30 Villages are situated in Melur Taluk, Madurai District 2-59 Acres in Survey Nos.133/1 etc., situated in ERAVARPATTI Village, Usilampatti Taluk, Madurai District.

For Appellants : Mr.A.L.Somayaji.A.G.
Assistant by Mr.T.N.RAjagopalan Spl.GP. and
Mr.S.T.S.Murthy, GP

For Respondent : Mr.V.T.Gopalan, SC forbearing
Mr.K.Ramakrishna Reddy.

COMMON JUDGMENT

The elaborate impugned orders of the learned Single Judge dated 05.11.2014 after recording the submissions of two sides, give direction without any discussion as to the basis of the conclusion.

2. Learned Senior Counsel for the parties, faced with this position, thus agree that the only option for this Court would be to set aside the impugned orders and remit the matters back for consideration on merits by the learned single Judge.

3. We accordingly set aside the impugned orders and allow the appeals, leaving the parties to bear their own costs.

4. The writ petitions be listed before the learned single Judge dealing with the subject matter on 18.01.2016.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksr

To:

1. The Secretary, The State of Tamil Nadu
Industrial Department,
Fort St.George,
Chennai 600 009.
 - 2.The District Collector,
Madurai District,
Madurai.
 3. The Section Officer, Writ Section, High Court, Madras.
for posting.
- +2ccs to the Government Pleader, S.R.No.796, 797

pvr (CO)

kra (12/01/2016)

W.A.No.1442, 1502, 1242, 1241,
619 and 1701 of 2015 and M.P.No.1 of 2015