



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.A. (MD) No.1156 of 2016
and
C.M.P. (MD) No.7406 of 2016

Malar Aangal Kal Udaipor Sangam,
Represented by its President,
G.Sahayarajan : Appellant/Petitioner

Vs.

1.The Commissioner of Geology and Mining,
O/o.The Commissioner of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy,
Chennai-600 032.

2.The District Collector,
O/o. the District Collector,
Kanyakumari District,
Kanyakumari.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent praying to allow the Writ Appeal and set aside the order of Writ Court dated 22.06.2016, in W.P.(MD)No.1626 of 2016.

Prayer in WP(MD). 1626/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Tender Notification in Na.Ka.No.03/Pu.Ma.Su/2016 dated 08.01.2016 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to dispose of the appeal petition preferred by the Petitioner dated 21.01.2016 within the time period stipulated by this Honble Court.

For Appellant

: Mr.M.Mahaboob Fazil

<https://hcservices.ecourts.gov.in/Respos>

: Mr.A.K.Baskarapandian,
Additional Government Pleader



J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

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The appellant filed a Writ Petition in W.P.(MD)No.1626 of 2016, challenging the order dated 08 January, 2016, on the file of the District Collector, Kanyakumari District. The appellant made another prayer to dispose of his appeal by the Commissioner of Geology and Mining, as expeditiously as possible.

2. The learned Single Judge disposed of the Writ Petition with an observation that it is always open to the appellant to move the appellate authority for incidental or interim relief. Feeling aggrieved, the appellant has come up with this intra-court appeal.

3. The learned counsel for the appellant contended that during the currency of the appeal, the second respondent is proceeding with the tender notification which was challenged before the learned Single Judge and which is the subject matter of the appeal before the first respondent. According to the learned counsel, it is not correct on the part of the second respondent to proceed with the tender notification during the currency of the appeal pending before the first respondent.

4. There is no dispute that the appeal preferred by the appellant is pending before the first respondent. The appellant now wanted this Court to stay the further proceedings, pursuant to the notification during the currency of the appeal. We do not find any merit in the said contention, on account of the fact that the appellate authority vested with power to decide an appeal, is also having an inherent power to pass incidental or interim orders during the currency of the appeal. We, therefore, do not find any reason to interfere with the orders passed by the learned Single Judge.

5. In the upshot, we dismiss the Writ Appeal. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The Commissioner of Geology and Mining,
O/o.The Commissioner of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai-600 032.

2.The District Collector,
O/o. the District Collector,
Kanyakumari District,
Kanyakumari.

+1cc to Mr.T.Lajapathi Roy, Advocate sR.No.42347/16
+1cc to special Government Pleader SR.No.42171/16

sml

sm:KBM:12.08.2016:3P/5C

Judgment made in
W.A. (MD) No.1156 of 2016
Dated: 04.08.2016