



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and

The Hon`ble Mr.Justice S.S.SUNDAR

WMP(MD) No.9777 to 9783 of 2016

IN

WP(MD) No.2111 to 2115 of 2013 and 7753 & 7754 of 2013

S.VAIKUNDARAJAN

KEERAIKARANTHATTU, TISAYANVILAI-627657,

TIRUNELVELI DISTRICT

... PETITIONER/THIRD PARTY/
PROPOSED RESPONDENT
in all the petitions

Vs

M/S. SOUTHERN ENTERPRISES

1/580, 7TH STREET, VEERABATHRA NAGAR,

MAMBAKKAM MAIN ROAD, MEDAVAKKAM CHENNAI-600 100,

REP BY ITS PARTNER MR.DHAYA DEVADOSS

... 1st RESPONDENT/PETITIONER

IN WMP(MD).NO.9777, 9778 & 9782 of 2016

IN WP(MD).NO.2111, 2112 & 7753 of 2013

INDIAN GARNET SAND CO.(P) Ltd.

1/580, 7TH STREET, VEERABATHRA NAGAR,

MAMBAKKAM MAIN ROAD, MEDAVAKKAM CHENNAI-600 100,

REP BY ITS CHAIRMAN AND MANAGING DIRECTOR

... 1st RESPONDENT/PETITIONER

IN WMP(MD).NO.9779, 9780, 9781 & 9783 of 2016

IN WP(MD).NO.2113, 2114, 2115 & 7754 of 2013

THE STATE OF TAMILNADU

REP BY THE PRINCIPAL SECRETARY TO GOVT,

INDUSTRIES DEPT, FORT ST.GEORGE, CHENNAI-600 009

THE ADDITIONAL SECRETARY TO GOVT.,

INDUSTRIES DEPARTMENT, FORT ST.GEORGE,

CHENNAI-600 009

A.KARUNAKARAN

THE ADDITIONAL SECRETARY TO GOVT. INDUSTRIES DEPT,

FORT ST.GEORGE, CHENNAI-600 009

THE DISTRICT COLLECTOR

TRICHY, TIRUCHIRAPALLI DISTRICT

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

THE COMMISSIONER OF GEOLOGY AND MINING, GUINDY, CHENNAI-600 032



THE COASTAL ENVIRONMENTAL AND ECOLOGICAL CONSERVATION COMMITTEE,
KEERAIKARANTHATTU, TISAYANVILAI-627657,
TIRUNELVELI DISTRICT THROUGH ITS PRESIDENT,
R.APPUL NATESAN

...RESPONDENTS 2 to 7/RESPONDENT 1 to 6
...IN WMP(MD).NO.9777, 9778, 9779, 9780 & 9781 of 2016
IN WP(MD).NO.2111, 2112, 2113, 2114 & 2115 of 2013

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THE STATE OF TAMILNADU
REP BY THE PRINCIPAL SECRETARY TO GOVT,
INDUSTRIES DEPT, FORT ST.GEORGE, CHENNAI-600 009

THE ADDITIONAL SECRETARY TO GOVT.,
INDUSTRIES DEPARTMENT, FORT ST.GEORGE,
CHENNAI-600 009

A.KARUNAKARAN
THE ADDITIONAL SECRETARY TO GOVT. INDUSTRIES DEPT,
FORT ST.GEORGE, CHENNAI-600 009

THE DISTRICT COLLECTOR, TRICHY, TIRUCHIRAPALLI DISTRICT

THE COMMISSIONER OF GEOLOGY AND MINING, GUINDY, CHENNAI-600 032
... RESPONDENTS 2 to 6/RESPONDENT 1 to 5
IN WMP(MD).NO. 9782 & 9783 of 2016
IN WP(MD).NO.7753 & 7754 of 2013

Prayer in WMP(MD). 9777/ 2016 in WP.(MD).No.2111 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2014 in WP(MD) No.2111/2013.

Prayer in WMP(MD). 9778/ 2016 in WP.(MD).No.2112 of 2013 :

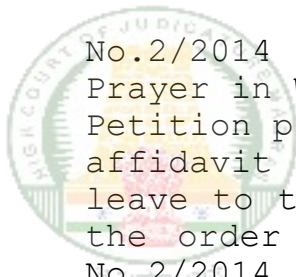
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2014 in WP(MD) No.2112/2013.

Prayer in WMP(MD). 9779/ 2016 in WP.(MD).No.2113 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2014 in WP(MD) No.2113/2013.

Prayer in WMP(MD). 9780/ 2016 in WP.(MD).No.2114 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD)



No.2/2014 in WP(MD) No.2114/2013.

Prayer in WMP(MD). 9781/ 2016 in WP.(MD).No.2115 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2014 in WP(MD) No.2115/2013.

WEB COPY

Prayer in WMP(MD). 9782/ 2016 in WP.(MD).No.7753 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2013 in WP(MD) No.7753/2013

Prayer in WMP(MD). 9783/ 2016 in WP.(MD).No.7754 of 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file an application to re-call of the order dated 18.12.2015 passed by this Honble Court in MP(MD) No.2/2013 in WP(MD) No.7754/2013.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.SRINATH SRIDEVAN, Advocate for the petitioner in all the petitions and of Mr.N.Dilip Kumar, Advocate for R1 in WMP.(MD).Nos.9777 to 9781 of 2016 in WP.(MD).Nos.2111 to 2115 of 2013 and Mr.M.Govindan, Special Government Pleader for R2 to R6 in WMP.(MD).Nos.9777 to 9781 of 2016 in WP.(MD).Nos.2111 to 2115 of 2013 and of M/s.S.Meenakshi Sundaram Advocate for R7 IN WMP(MD). NO.9777, 9778, 9779, 9780 & 9781 of 2016 IN WP(MD).NO.2111, 2112, 2113, 2114 & 2115 of 2013, the court made the following order:-

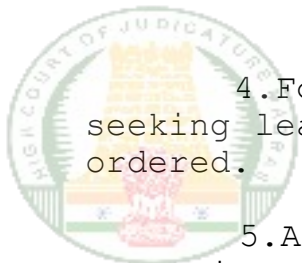
COMMON ORDER

(Order of the Court was made by NOOTY.RAMAMOohana RAO.J.)

These application have been preferred inasmuch as the petitioner herein who moved these applications is a third party to the proceedings and hence, his interests are likely to be impacted adversely. He has, therefore, proposed to come on record by getting impleaded and for securing impleadment, he sought for leave from this Court.

2.The Writ petitioner in WP.(MD).Nos.2111,2112 and 7753 of 2013 is a Company known as 'M/s.Southern Enterprises'and the writ petitioner in WP.(MD).Nos.2113, 2114, 2115 and 7754 of 2013, is a Company known as 'M/s.Indian Garnet Sand Company (P) Limited'. In their counter -Affidavit- opposing these applications, it was pointed out that the seventh respondent in WP.(MD).NOS.2111, 2112, 2113, 2114 2115 of 2013, is a body set up by the present petitioner and hence, the present petitioner is thoroughly aware of the litigative developments.

3.If that be so, the plea of the writ petitioners suggests that while the seventh respondent is the glove, the present petitioner herein is the hand concealed therein. By impleading the present petitioner as a party respondent to the writ petitions, much more clarity can be brought to the proceedings, as glove as well as hand both can be seen simultaneously.



4. For these reasons, we are convinced with these applications seeking leave and hence, all these writ Miscellaneous Petitions are ordered.

5. At request of the learned Additional Advocate General appearing for the State, the Registry is directed to list the recall petition filed by the present petitioner herein, in the second week of September 2016.

sd/-

22/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT
THE STATE OF TAMILNADU
INDUSTRIEST DEPARTMENT, FORT ST. GEORGE, CHENNAI-600 009
- 2 THE ADDITIONAL SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600 009
- 3 THE DISTRICT COLLECTOR
TRICHY, TIRUCHIRAPALLI DISTRICT
- 4 THE COMMISSIONER OF GEOLOGY AND MINING, GUINDY, CHENNAI-600 032
- 5 THE PRESIDENT
THE COASTAL ENVIRONMENTAL AND ECOLOGICAL CONSERVATION COMMITTEE,
KEERAIKARANTHATTU, TISAYANVILAI-627657,
TIRUNELVELI DISTRICT.

Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High court, Madurai

+1. C.C. to M/S. Meenakshi Sundaram, Advocate SR.No.46699

rsp

sm:PK:SAR III:26/08/2016:4P/8C

ORDER

IN

WMP(MD) No.9777 to 9783 of 2016

IN

WP(MD) No.2111 to 2115 of 2013 and
7753 & 7754 of 2013

Date :22/08/2016