

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

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

W.A.No.72 of 2017

1. The State of Tamilnadu
rep. by its Secretary to Government
Department of Industries,
Labour and Co-operation
Fort St.George, Chennai-9.
 2. The Secretary
Industries Department (MMDI) and (MMCI)
Fort St.George, Chennai-9.
 3. The Commissioner
Department of Geology and Mining
Guindy Industrial Estate, Chennai-32.
 4. The Deputy Director
Geology and Mining
Collectorate Complex, Salem.
 5. The District Collector
Salem-636 001.
- ... Appellants/Respondents

Vs.

M/s.Dalmia Bharat Sugar and Industries Ltd.
(previously known as Dalmia Cement (Bharat) Ltd.)
A company incorporated under
the Indian Companies Act, 1913
having its registered office at Dalmiapuram District
Tiruchirapalli, Tamil Nadu
inter alia, carrying on business
under the name and style of
Dalmia Magnesite Corporation at Salem
Tamil Nadu - 636 012
rep. by its Managing Director, Jai Hari Dalmia

... Respondent/Petitioner

Prayer: Appeal under Clause 15 of the Letters Patent against the
order dated 21.10.2016 in W.M.P.No.25308 of 2016 in W.P.No.29275
of 2016.

W.M.P.No.25308 of 2016 in W.P.No.29275 of 2016 : To pass an order of ad-interim injunction, restraining the Respondents their men, agents and servants from interfering with the mining operations of the petitioners in the petition schedule premises and to continue to issue permits to remove the excavated minerals namely Magnesite and Dunite on payment of the requisite royalty, (In WMP.25308 of 2016) pending disposal of the above W.P.No.29275 of 2016 respectively.

Prayer in W.P.No.29275 of 2016 : To issue a Writ of Mandamus forbearing the Respondents from interfering with the mining operations of the petitioners in the petition schedule premises and directing the Respondents to continue to issue permits to excavate minerals namely Magnesite and Dunite on payment of the requisite royalty and without insisting of an Environmental Clearance Certificate.

For Appellants

: Mr.R.Muthukumarasamy
Advocate General
assisted by
Mr.T.N.Rajagopalan
Special Government Pleader

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

A speaking interim order was passed by the learned Single Judge on 21.10.2016 and realizing the importance of early disposal, the matter was posted on 18.11.2016 for disposal. The appellants, being government authorities, as usual, did not file the counter affidavit in time and the counter was filed on the anvil of the hearing on 17.11.2016. The matter was, thus, adjourned to today.

2. We see no reason why this Court should interfere with the interim discretionary order when the matter is already coming up for final hearing before the Court today. It is for the authorities to canvass their case before the learned Single Judge.

The appeal is accordingly dismissed. Consequently, C.M.P.No. 1215 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To

1. The Secretary to Government
State of Tamilnadu
Department of Industries,
Labour and Co-operation
Fort St.George, Chennai-9.
2. The Secretary
Industries Department (MMDI) and (MMCI)
Fort St.George, Chennai-9.
3. The Commissioner
Department of Geology and Mining
Guindy Industrial Estate, Chennai-32.
4. The Deputy Director
Geology and Mining
Collectorate Complex, Salem.
5. The District Collector
Salem-636 001.

+1cc to Mr.T.Poornam, Advocate, S.R.No.5175
+1cc to the Government Pleader, S.R.No.5263

W.A.No.72 of 2017

SSI (CO)
CA(03.02.2017)

सत्यमेव जयते

WEB COPY