

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

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

W.A.No.99 of 2017

1. The State of Tamilnadu
rep. by its Secretary to Government
Department of Industries,
Secretariat,
Fort St.George, Chennai-9.
2. The Commissioner of Geology and Mining
Industrial Estate,
Guindy , Chennai-600 032. Appellants

Vs.

1. M/s.Dalmia Refractories Ltd.,
(Formerly Shri Natraj Ceramic and Chemical
Industries Ltd.,)
Rep. by Authorized Signatory, S.Sankar.
2. Union of India,
Rep. by the Secretary to Government,
Ministry of Mines, 3rd Floor, 'A' Wing,
Shastri Bhavan, New Delhi. ... Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 21.10.2016 in W.M.P.No.31364 of 2016 in W.P.No.36418 of 2016.

W.M.P.No.31364 of 2016 : To issue an interim direction, directing the 3rd respondent to permit the petitioner to mine and transport the mind minerals in terms of the mining lease granted vide G.O. No. 3(D) NO.23 dated 22.02.1999 and G.O. 3(D) No.67 dated 01.06.1998 in respect of lands situated at Therani Village, Alanthur Taluk, Perambalur District to its factory at Dalmiapuram, Trichy District.

W.P.No.36418 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the 1st and 3rd respondent to grant necessary transport permits in favour of the petitioner for mining and

transporting mines minerals in terms of the mining lease granted vide G.O. No. 3(D) NO.23 dated 22.02.1999 and G.O. 3(D) No.67 dated 01.06.1998 in respect of lands situated at Therani Village, Kunnam Taluk, Perambalur District to its factory at Dalmiapuram, Trichy District in respect of the petitioners mining lease areas.

For Appellants

: 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.

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. It is for the authorities to canvass their case before the learned Single Judge.

Writ appeal is, accordingly, dismissed. Consequently, C.M.P.No.1783 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamilnadu
Department of Industries,
Secretariat,
Fort St.George, Chennai-9.
2. The Commissioner of Geology and Mining
Industrial Estate,
Guindy, Chennai-600 032.

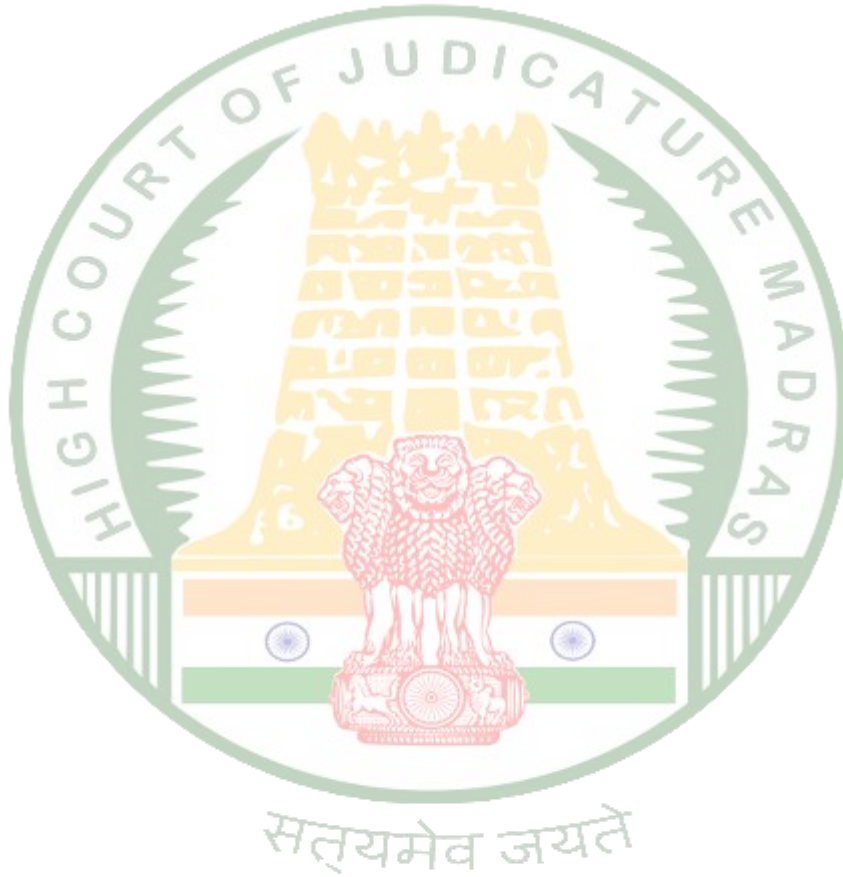
WEB COPY

3. The Secretary to Govt. of India,
Ministry of Mines, 3rd Floor, 'A' Wing,
Shastri Bhavan, New Delhi.

+1cc to the Government Pleader, S.R.No.7503

W.A.No.99 of 2017

KGK(CO)
CA(15/02/2017)



WEB COPY