



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Rev.Aplw.Nos.85 and 86 of 2018
in W.P.Nos.1657 & 1659 of 2015

1. The Board of Directors,
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 600 005.
2. Tamil Nadu Minerals Ltd.,
Rep. By its Managing Director,
Chepauk, Chennai - 600 005.
3. Mr.Henry Robert (Enquiry Officer),
Deputy Manager (Maintenance)
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 600 005.

..Review Petitioners in both review petitions

vs

V.R.Mathiyazhagan .. Respondents in Rev.Aplw.No.85 of 2018
R.Selvaraj .. Respondents in Rev.Aplw.No.86 of 2018

Common Prayer: Review Petition filed under Order 47 CPC, Rule 1 & 2 R/W Article 226 of the Constitution of India praying to Review and set aside the order dated 01.09.2017, made in W.P.Nos.1657 of 2015 & W.P.No.1659 of 2015 by this Court and dismiss the said Writ petition Nos.1657 & 1659 of 2015 filed by the writ petitioner, therein, who is the respondent herein.

WP.No.1657 and 1659 of 2015: Petitions presented to this Court to issue a Writ of certiorari calling for records relating to order dated 23/12/2014 in Proc.No.3992/E5/2014-3 passed by the Second Respondent and quash the same.

2) to recovery of Financial Loss dated 23/12/2014 in Proc.No.3992/E5/2014-2 passed by the Fourth respondent and quash the same.

For Petitioners : M/S.Sri Jayanthi
{ in both WPs}

For Respondent : Dr.G,Krishnamurthy
{in both WPs}



COMMON ORDER

The present review petitions had been filed mainly on the ground that while submitting arguments at the time of hearing of the main writ petitions, the learned counsel appeared on behalf of the petitioners inadvertently submitted by relying on the judgment passed by the Division Bench of this Court in Writ Appeal No.149 of 2017, dated 11.07.2017 that the Writ Appeal was dismissed and the said judgment covers all the writ petitioners / respondents in review petitions, in the proceedings.

2. Based on the submission made by the learned counsel appearing for the petitioners, the writ petitions are allowed. However, it is contended by the learned counsel appearing for the review petitioners that the said submission was made erroneously and the facts and circumstances in respect of the present writ petitions are entirely different and full fledged adjudication is required in the interest of justice and the learned counsel has made a mistake in making submission that the facts are covered in the order passed by the Division Bench of this Court in the writ appeal.

3. This Court is of an opinion that the full fledged arguments are to be undertaken. In view of the fact that certain factual errors had been committed by the respective learned counsel appeared in the writ proceedings, it is preferable to re-open the writ petition and hear the same on merits and facts.

3. Accordingly, the review petitions stand allowed and the orders passed by this Court in WP.No.1657 & 1659 of 2015 dated 01.09.2017 are set aside and the writ petitions are restored.

4. Registry is directed to list the writ petitions for final disposal after two weeks.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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TO

1. The Board of Directors,
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 600 005.



2. The Managing Director,
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 600 005.

3. The Enquiry Officer,
Deputy Manager (Maintenance)
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 600 005.

4. The General Manager,
Tamilnadu Minerals Ltd.,
Chepauk,
Chennai 600 005.

5. The Section Officer,
Writ Section, High Court,
Madras.

+2cc to Mr.A.Sri Jayanthi, Advocate SR.No.49010, 49011

Rev.Aplw.Nos.85 and 86 of 2018

NM(CO)
GN(13/08/2018)