

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15249 of 2008

V.Gopi

... Petitioner

vs.

1. The Revenue Divisional Officer,
Ponneri,
Thiruvallur District.

2. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the 1st Respondent's proceedings bearing Na.Ka.No.4933/07/C2, dated 05.06.2018 and quash the same.

For Petitioner : Ms.P.Kalpa Reddy
For Respondents : Mr.J.Purushothaman,
Government Advocate

O R D E R

Petitioner has come up with the present Writ Petition seeking to quash the proceedings of the 1st Respondent vide Na.Ka.No.4933/07/C2, dated 05.06.2018.

2. It is represented by the learned counsel for the Petitioner that there is no instructions from the Petitioner and that notice may be issued to the parties concerned.

3. The subject matter of the issue on hand comes under the Mines and Minerals Act. By the impugned order dated 05.06.2008, the Petitioner was asked to pay a sum of Rs.14,65,200/- as penalty for quarrying and transporting 2220 lorry loads of souldu, illicitly. On 27.06.2008, this Court granted an order of interim stay of the impugned proceedings and the Petitioner has been enjoying the benefits of the interim

order for more than a decade. It is unfortunate that the Respondents have not filed a Vacate Stay Petition so far, and this Court has to presume that there is collusion between the Petitioner and the Respondents for not filing a Vacate Stay Petition.

4. Hence, this Court is of the view that in the guise of an interim order, the Petitioner cannot be allowed to continue with the illegality. As there is no instructions from the Petitioner to the counsel on record, the interim order granted by this Court on 27.06.2008 is vacated and the petitioner is directed to pay the entire penalty ordered by the 1st Respondent vide impugned order dated 05.06.2008, together with interest, within a period of six weeks from the date of receipt of a copy of this order. As the Petitioner has the right of appeal, he is at liberty to prefer the same.

5. This Court is of the view that there shall not be unlimited interim stay in any matter and it shall be restricted to a maximum of six months, failing extension, the Respondents shall be allowed to proceed with the execution of the impugned order, as this will ensure bringing up the case for hearing by the Petitioner.

The Writ Petition is dismissed with the above direction and observations. No costs. Consequently, connected M.P.No.1 of 2008 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Ponneri,
Thiruvallur District.
2. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

+1cc to the Government Pleader, S.R.No.55675

W.P.No.15249 of 2008

GSP(05/09/2018)