



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.3.2018

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM
and
The Honourable Dr. Justice G.JAYACHANDRAN

Writ Petition (MD) Nos.20226 and 20227 of 2014
& MP.Nos.1 and 1 of 2014

M/s.PRP Granites, rep.by its
Partner Mr.P.Senthilkumar

...Petitioner in WP.
(MD).20226/2014

M/s.PRP Exports, rep.by its
Partner Mr.P.Senthilkumar

...Petitioner in WP.
(MD).20227/2014

Vs

1.The Deputy Superintendent of
Police, Prohibition Enforcement
Wing, (Investigation Officer),
Madurai District, Madurai.

...R1 in both the WPs

2.The Commissioner of Geology &
Mining, Industrial Estate,
Guindy, Chennai-32.

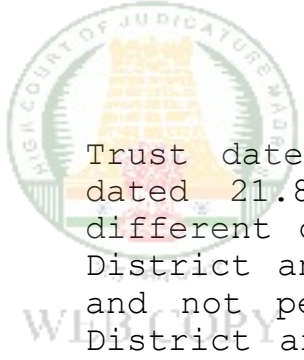
....R2 in both the
WPs

(R2 Impleaded vide order dated 06.2.2018 in
MP.(MD)Nos.2 and 3 of 2014 in WP.(MD).No.
20226 of 2014 & MP(MD)Nos.3 and 4 of 2014
in WP(MD).No.20227 of 2014 by TSSJ & GJJ)

PETITIONS under Article 226 of The Constitution of India
praying for the issuance of Writs of Mandamus

WP(MD)No.20226 OF 2014:

(i) directing the respondent to send clarification letters to
the Port Authorities of Chennai and Tuticorin and to the Regional
Director for Tamil Nadu - Reserve Bank of India, Chennai, the
Manager, State Bank of India, Sivakasi, the Manager - Tamil Nadu
Mercantile Bank, Madurai, the Manager - Indian Bank, Madurai, the
Manager, State Bank of India, Commercial Branch, Madurai, the
Manager - State Bank of India, Kulithalai and to the Manager, Indian
Bank (MERZ), Chennai clarifying that the letters issued to the
Chennai Port Trust dated 21.8.2012, issued to the Tuticorin Port



Trust dated 21.8.2012 and to the Reserve Bank of India, Chennai dated 21.8.2012 and all letters issued to the said banks on different dates are pertaining to the quarries situated in Madurai District and only in respect of the specified bank account numbers and not pertaining to any quarries situated outside the Madurai District and also clarifying that there is no prohibition for the petitioner either to quarry and export materials from the quarries situated outside the Madurai District and there is no prohibition for the petitioner to open and operate fresh bank accounts in respect of the petitioner's business pertaining to the quarries situated outside the Madurai District and

WP. (MD) .No.20227 of 2014:

(ii) directing the respondent to send clarification letters to the Port Authorities of Chennai and Tuticorin and to the Regional Director for Tamil Nadu - Reserve Bank of India, Chennai, the Manager, State Bank of India, Sivakasi, the Manager - Tamil Nadu Mercantile Bank, Madurai, the Manager - Indian Bank, Madurai, the Manager, State Bank of India, Commercial Branch, Madurai, the Manager - State Bank of India, Kulithalai and to the Manager - Indian Bank (MEPZ), Chennai clarifying that the letters issued to the Chennai Port Trust dated 21.8.2012, issued to the Tuticorin Port Trust dated 21.8.2012 and to the Reserve Bank of India, Chennai dated 21.8.2012 and all letters issued to the said banks on different dates are pertaining to the quarries situated in Madurai District and only in respect of the specified bank account numbers and not pertaining to any quarries situated outside the Madurai District and also clarifying that there is no prohibition for the petitioner either to quarry or export both dimensional granite blocks and processed materials quarried from the quarries situated outside the Madurai District and there is no prohibition for the petitioner to open and operate fresh bank accounts in respect of the petitioner's business pertaining to the quarries situated outside the Madurai District and pertaining to the processing unit of the petitioner situated in Therkutheru Village, Melur Taluk, Madurai District.

For Petitioners : Mr.R.Parthasarathy
For Respondents : Mr.B.Pugalendhi, AAG

COMMON ORDER

(Order of the Court is made by **T.S.SIVAGNANAM, J**)

These two writ petitions have been filed by M/s.PRP Granites and M/s.PRP Exports represented by its partner Mr.P.Senthilkumar.

2. Originally, the respondent in these two writ petitions is the Deputy Superintendent of Police, Prohibition Enforcement Wing, (Investigating Officer), Madurai District, Madurai. Subsequently,

the Commissioner of Geology and Mining, Guindy, Chennai-32 was impleaded as the second respondent.

3. The prayer sought for in these two writ petitions is for a direction to the first respondent to send clarification letters to the Port Authorities of Chennai and Tuticorin and to the Regional Director for Tamil Nadu Reserve Bank of India, Chennai, the Manager, State Bank of India, Sivakasi, the Manager - Tamil Nadu Mercantile Bank, Madurai, the Manager - Indian Bank, Madurai, the Manager, State Bank of India, Commercial Branch, Madurai, the Manager, State Bank of India, Kulithalai and to the Manager, Indian Bank (MEPZ), Chennai clarifying that the letters issued to the Chennai Port Trust dated 21.8.2012, issued to the Tuticorin Port Trust dated 21.8.2012 and to the Reserve Bank of India, Chennai dated 21.8.2012 and all letters issued to the said banks on different dates are pertaining to the quarries situated in Madurai District and only in respect of the specified bank account numbers and not pertaining to any quarries situated outside the Madurai District and also clarifying that there is no prohibition for the petitioner either to quarry and export materials from the quarries situated outside the Madurai District and there is no prohibition for the petitioner to open and operate fresh bank accounts in respect of the petitioner's business pertaining to the quarries situated outside the Madurai District and to direct the first respondent to send clarification letters to the Port Authorities of Chennai and Tuticorin and to the Regional Director for Tamil Nadu Reserve Bank of India, Chennai, the Manager, State Bank of India, Sivakasi, the Manager - Tamil Nadu Mercantile Bank, Madurai, the Manager - Indian Bank, Madurai, the Manager, State Bank of India, Commercial Branch, Madurai, the Manager, State Bank of India, Kulithalai and to the Manager, Indian Bank (MEPZ), Chennai clarifying that the letters issued to the Chennai Port Trust dated 21.8.2012, issued to the Tuticorin Port Trust dated 21.8.2012 and to the Reserve Bank of India, Chennai dated 21.8.2012 and all letters issued to the said banks on different dates are pertaining to the quarries situated in Madurai District and only in respect of the specified bank account numbers and not pertaining to any quarries situated outside the Madurai District and also clarifying that there is no prohibition for the petitioner either to quarry and export both dimensional granite blocks and processed materials quarried, from the quarries situated outside the Madurai District and there is no prohibition for the petitioner to open and operate fresh bank accounts in respect of the petitioner's business pertaining to the quarries situated outside the Madurai District and pertaining to the processing unit of the petitioner situated in Therkutheru Village, Melur Taluk, Madurai District.

4. At the very outset, we wish to point out that the prayer sought for in these two writ petitions is not maintainable and that the writ petitions are liable to be dismissed at the threshold for not including necessary and proper parties. Though the petitioners sought for clarificatory letters to be sent to the Chennai Port and



the Tuticorin Port and also to the banks, none of those parties has been impleaded as party respondents. Therefore, on this ground alone, the writ petitions are liable to be dismissed. It is rather surprising as to how the Registry entertained such writ petitions without impleadment of necessary and proper parties, especially when those parties have been shown in the prayer sought for in these two writ petitions. Nevertheless, the writ petitions have been entertained and an interim order was granted by the Writ Court on 22.12.2014.

5. As against the common order passed by the Writ Court dated 22.12.2014, the first respondent herein filed two writ appeals in W.A.(MD). Nos.4 and 5 of 2015, in which, the then Additional Advocate General appearing for the first respondent herein/appellant contended that the direction issued by the learned Single Judge amounted to allowing the writ petitions, which would not be proper in accordance with law and that therefore, the writ appeals have been preferred.

6. However, the petitioners herein contended that no final orders have been passed in the main writ petitions, that the same are pending and that the writ appeals would not be maintainable before the Division Bench.

7. This contention of the petitioners was refuted by the then Additional Advocate General on the ground that the nature of the ad-interim order granted by the learned Single Judge amounts to granting the main relief.

8. The Hon'ble Division Bench, after considering the rival submissions, in paragraph 12 of its common judgment dated 29.1.2015, found that the first respondent herein/appellant stated that only cases relating to Keelavalavu Police Station, Melur Police Station and Othakadai Police Station, which were within the jurisdiction of the first respondent herein/appellant, were pending against the petitioners as well as other private limited companies having office at Madurai. After making such an observation, the Hon'ble Division Bench noted that the writ petitions are yet to be disposed of and that the first respondent herein/appellant is entitled to file counter and argue for the dismissal of the miscellaneous petitions.

9. Thus, with a view to meet the ends of justice, the writ appeals filed by the first respondent herein were allowed, the common order passed by the learned Single Judge was modified and an order of status quo until further orders has been granted. The first respondent herein/appellant has also been permitted to file counter in the main writ petitions within two weeks and thereafter directed the writ petitions to be disposed of as early as possible, preferably within four weeks from the date of receipt of the copy of



10. Subsequently, the writ petitions were transferred to the Principal Bench and tagged along with W.P.16841 of 2014, in which, the petitioners herein have come to adverse notice and a Legal Commissioner was appointed to inspect the quarries and submit a report and that the matter is being heard by the Division Bench. Though the Hon'ble Division Bench, by common judgment dated 29.1.2015, directed the first respondent herein to file counter in the main writ petitions within two weeks, the counter has not been filed by the first respondent.

11. Be that as it may, we are required to consider as to whether the direction sought for by the petitioners is maintainable and as to whether such a direction can be issued to the first respondent to send clarificatory letters to various parties, who are not respondents before us. The answer to this question has to be in the negative and against the petitioners. As mentioned by us earlier, we would have been well justified in dismissing the writ petitions at the threshold for not impleading necessary and proper parties, especially those, who were mentioned in the prayers sought for in the main writ petitions.

12. The learned counsel for the petitioners has strenuously contended that it may be true that the petitioners have come to adverse notice in respect of various quarries situated in Madurai District. But, the petitioners are not seeking any relief in respect of those quarries and under the guise of investigation in respect of those quarries, granites, which have been quarried from other quarries, are not permitted to be exported, as prohibitory communication has been sent by the first respondent to both the Ports of Chennai and Tuticorin and the bank accounts have been frozen.

13. In our considered view, in the writ petitions filed by the petitioners, we cannot issue any clarification nor direct the first respondent to issue a clarification to various authorities, who are not even parties before us. If the petitioners are aggrieved by the orders issued by the first respondent or any State Government Authorities, it is for the petitioners to approach the concerned Authority and extricate themselves from such prohibitory orders or attachment. Therefore, we are of the opinion that the prayer sought for by the petitioners in these two writ petitions is thoroughly misconceived.

14. For the foregoing reasons, the writ petitions are dismissed. No costs. Consequently, the connected MPs are also dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1. The Deputy Superintendent of Police, Prohibition Enforcement Wing,
(Investigation Officer), Madurai District, Madurai.

2. The Commissioner of Geology & Mining, Industrial Estate, Guindy,
Chennai-32.

WP. (MD) Nos. 20226 & 20227 of 2014
and MP. (MD) Nos. 1 and 1 of 2014
16.3.2018

RS

MS/SKN-RSK/SAR-1/12.04.2018/6P.3C