

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.789 of 2020

M.R.Viswanathan

Appellant/Petitioner

Vs. ...

1.The Director of Geology and Mining,
Guindy, Chennai - 600 032.

2.The District Collector,
Tiruppur District, Tiruppur.

3.M.R.Mani

4.The Principal Secretary to Government,
Industrial Department,
Fort St. George,
Chennai - 600 009.

... Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 18.8.2020 made in W.P.No.7760 of 2020.

W.P.NO. 7760 OF 2020: To call the the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka. NO.1190/2017/ Mines dated 17.3.2020 and quash the same in so far as to stoppage of the quarry operation and consequently directing the 2nd respondent to permit the petitioner continue quarry operation in his leased out area situated in S.NOs.96/1B and 96/2B Morattupalayam Village Uthukuli Taluk Tiruppur District.

For Appellant : Mr.C.Prakasam

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

This appeal has been filed questioning the impugned judgment dated 18.8.2020 on the ground that the appellant cannot be made to suffer and his contention cannot be ignored merely

because he has filed the Second Appeal against the order dated 6.3.2019. It is also submitted that a show cause notice which has been issued to the appellant, and which was under challenge before the learned Single Judge, was unjustified and therefore, interference was called for in the background aforesaid.

2. Having considered the submissions raised, we find that the order dated 6.3.2019 is sub judice before the State Government in the Second Appeal. We, therefore, find that any consequential action should await the decision on the said Second Appeal, but the same should not be delayed, as the appellant has been called upon to show cause, the result whereof would obviously be dependent upon the outcome of the Second appeal.

3. In the circumstances, we dispose of this appeal affirming the order of the learned Single Judge, but reduce the period as given therein to a period of three weeks for the Appellate Authority to decide the appeal. It will be open to the appellant to seek his remedy thereafter.

The appeal is disposed of with the said observation. Consequently, C.M.P.No.10335 of 2020 is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Geology and Mining,
Guindy, Chennai - 600 032.

2.The District Collector,
Tiruppur District, Tiruppur.

3.The Principal Secretary to Government,
Industrial Department,
Fort St. George,
Chennai - 600 009.

W.A.No.789 of 2020

PP(CO)
GN(16/10/2020)