



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Sub Application (MD)No.118 of 2016
and Cont.P.(MD)No.948 of 2015
in W.P.(MD)No.668 of 2008

N.Babu

... Petitioner

Vs.

1.Vikram Kapur, I.A.S.,
Additional Chief Secretary to Government,
Industries Department,
Fort Saint George,
Chennai-600 009.

2.K.S.Palanisamy, I.A.S.,
District Collector,
Tiruchirappalli-620 001.

... Respondents

Prayer in Sub Application (MD)No.118 of 2016:

Application filed under Section 151 of the CPC to set aside the order dated 02.12.2016 and reopen the above contempt petition No.948 of 2015 in W.P.No.668 of 2008 on the file of the Hon'ble Court.

Prayer in CONT P(MD). 948 of 2015 :

This petition is filed Under Section 11 of the Contempt of Courts Act To punish the respondents , for their willful disobedience of this Honble Court order made in WP NO. 668/08 dated 26/11/2010.

Prayer in WP(MD). 668 of 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records on the file of the 3rd respondent in his proceedings in Rc.No. B.490/96 dated 17/12/2007 and quash the same and further directing the respondents to grant permission to the petitioner to carry on quarrying operations for a period of six months in respect of Sand quarry situated in S.No. 242 Block No. 1 over an extent of 10.00.0 Hectares in Srinivasanullur village, Thottiyam Taluk, Tiruchirappalli district as per the order of the Honourable Supreme Curt of India in C.a.No. 5572-5644 of 2005 dated 24/03/2006



For Petitioner : Mr.Parthasarathy
for Mr.M.Muthappan

For Respondents : Mrs.Narmadha Sampath
Additional Advocate General
assisted by
Mr.M.Rajarajan
Additional Government Pleader

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O R D E R

Heard the learned counsel on either side.

2.The petitioner Thiru.Babu filed W.P.(MD)No.668 of 2008 seeking grant of mining lease. The said writ petition was disposed of on 26.11.2010 with certain directions. The case of the original writ petitioner was that the order passed by this court was not complied with. Therefore, the contempt petition (MD)No.948 of 2015 came to be instituted. The said contempt petition was closed on 02.12.2016 by recording the submission of the then special government pleader that the order dated 26.11.2010 has been complied with. The original petitioner himself had filed the present sub application on 20.12.2016 itself by pointing out that the statement made by the learned special government pleader was not correct.

3.I am of the view that the petitioner ought to have been heard as to whether the order passed by this Court on 26.11.2010 was actually complied with or not. Therefore, the order dated 02.12.2016 in Cont.P.(MD)No.948 of 2015 deserves to be set aside. It is accordingly set aside. The sub application is allowed. I make it clear that allowing of the sub application will not cast any aspersion on the possible defence which the contemnor may have. I have only stated that the issues are to be thrashed out on merits.

4.Call this case on 11.03.2021. The Sub Application is allowed. The Contempt Petition (MD)No.948 of 2015 is restored to file.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional Chief Secretary to Government,
Industries Department,
Fort Saint George,
Chennai-600 009.

2.The District Collector,
Tiruchirappalli-620 001.

COPY TO

The Section Officer, Contempt Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.M.MUTHAPPAN, Advocate SR.No. 1341

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SV2 (CO)

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