



WEB COPY



WMP No.15325 of 2022
in
W.P. No.10442 of 2022

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ABDUL QUDDHOSE, J.

The petitioner has challenged the impugned order under which the petitioner's lease was suspended.

2. This Court by its order dated 10.06.2022 granted interim stay of the impugned order in WMP No.10143 of 2022.

3. A writ miscellaneous petition in WMP No.15325 of 2022 has been filed seeking to implead the petitioner in the writ miscellaneous petition as a party respondent in the main writ petition. According to the petitioner in this writ miscellaneous petition only based on the complaint given by him, the first respondent / writ petitioner's lease was temporarily suspended under the impugned order. Therefore, according to him, he is a necessary party to the writ petition.



WMP No.15325 of 2022
in
W.P. No.10442 of 2022

4. Heard Mr.S. Parthasarathy, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing for the respondents 2 to 4 in this W.M.P.

5. To this impleading petition, a counter-affidavit has been filed by the first respondent / writ petitioner. According to the first respondent / writ petitioner, earlier, the petitioner / proposed 4th respondent has filed W.P. No.795 of 2022 praying for a writ of Mandamus to consider his representation dated 28.12.2021 seeking for cancellation of the first respondent / writ petitioner's quarry lease. Thereafter, according to the first respondent / writ petitioner, the said writ petition was withdrawn and liberty was granted to the first respondent / writ petitioner to approach the National Green Tribunal.

6. According to the first respondent / writ petitioner, even though the writ petition was withdrawn on 28.12.2021 itself, the petitioner / proposed 4th respondent has not till date filed any application before the National Green Tribunal and hence, he is not a necessary party to this writ petition. Having got a valid lease after obtaining all statutory



WMP No.15325 of 2022
in
W.P. No.10442 of 2022

requirements, the question of impleading the petitioner / proposed 4th respondent in this writ petition will not arise.

7. Admittedly, the petitioner / proposed 4th respondent was the complainant. He had given a complaint to the official respondents about the alleged illegal mining committed by the first respondent / writ petitioner. Even in the affidavit filed in support of this writ petition, the first respondent / writ petitioner has referred to the fact that only based on the complaint given by some villagers in their area, the quarry lease was suspended under the impugned order. While that be so, the petitioner / proposed 4th respondent cannot be considered to be a stranger with regard to the suspension of the quarry lease granted earlier in favour of the first respondent / writ petitioner. Therefore, the petitioner / proposed 4th respondent is a necessary party for the effective adjudication of this writ petition. Even though the writ petition No.795 of 2022 was withdrawn by the petitioner / proposed 4th respondent, liberty was granted to him to approach the National Green Tribunal. But the impugned order is dated 08.04.2022 under which the first respondent / writ petitioner's quarry lease has been temporarily suspended and therefore, there was no necessity for the petitioner to approach the



WMP No.15325 of 2022
in
W.P. No.10442 of 2022

National Green Tribunal as his complaint has been acted upon by the official respondents. The petitioner is admittedly the villager in the very same area, where quarry lease was granted in favour of the first respondent / writ petitioner.

8. No prejudice would be caused to the first respondent / writ petitioner, if the petitioner /proposed 4th respondent is impleaded as a party respondent in this writ petition and the contentions raised by them with regard to his locus standi can also be adjudicated in the main writ petition by this Court.

9. For the foregoing reasons, this Court finds merit in the impleading petition filed by the petitioner / proposed 4th respondent and it deserves to be allowed.

10. In the result, impleading petition viz., WMP No. 15325 of 2022 is allowed.

29.06.2022

Note : Registry is directed to carry out necessary amendments in the main writ petition. petition



WEB COPY



WMP No.15325 of 2022
in
W.P. No.10442 of 2022

ABDUL QUDDHOSE, J.

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WMP No.15325 of 2022
in
W.P. No.10442 of 2022

29.06.2022

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