



W.A(MD)Nos.949 to 961 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)Nos.949 to 961 of 2022
and C.M.P.(MD) Nos.7800, 7803, 7817, 7821, 7831, 7835, 7839,
7845, 7850, 7859, 7862, 7865 and 7868 of 2022

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Assistant Director,
Geology and Mining,
Office of the District Collector,
Theni District.

... Appellants/Respondents in
all the Writ Appeals

Vs.

S.Sunderaj ... Respondent/Writ Petitioner
in W.A.(MD) No.949 of 2022

N.Prakash ... Respondent/Writ Petitioner
in W.A.(MD) No.950 of 2022

D.Rajmohan ... Respondent/Writ Petitioner
in W.A.(MD) No.951 of 2022

R.Subburaj ... Respondent/Writ Petitioner
in W.A.(MD) No.952 of 2022

T.Ariyamalai ... Respondent/Writ Petitioner
in W.A.(MD) No.953 of 2022



W.A(MD)Nos.949 to 961 of 2022

WEB COPY

T.Senthilkumar

... Respondent/Writ Petitioner
in W.A.(MD) No.954 of 2022

L.Ganesan

... Respondent/Writ Petitioner
in W.A.(MD) No.955 of 2022

T.Ariyamalai

... Respondent/Writ Petitioner
in W.A.(MD) No.956 of 2022

T.L.Periyakaruppan

... Respondent/Writ Petitioner
in W.A.(MD) No.957 of 2022

M.Rajangam

... Respondent/Writ Petitioner
in W.A.(MD) No.958 of 2022

Tvl.Nagaratchi Lathipa Mahalir Suyaudhavikuzhu,
Tmt.M.Muninaparveen, Director,
Allinagaram,
Theni Taluk,
Theni District.

... Respondent/Writ Petitioner in
W.A.(MD) No.959 of 2022

Tvl.Sri.Selva Vinayagar Kaludaippor Mahalir Nalasangam,
Tmt.K.Perumayi, President,
No.5/3, Maalaipatti Theru,
Pirathukaranpatti, Tirumalapuram Panchayat,
Aundipatty Taluk,
Theni District.

... Respondent/Writ Petitioner in
W.A.(MD) No.960 of 2022

J.Karuppadevan

... Respondent/Writ Petitioner
in W.A.(MD) No.961 of 2022

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, praying to set aside the order dated 22.04.2022 in W.P(MD)Nos.6295 to 6297 and 6299 to 6308 of 2022 and allow these Writ Appeals.



WEB COPY



W.A(MD)Nos.949 to 961 of 2022

For Appellants in all the : Mr.N.Satheeshkumar
Writ Appeals Additional Government Pleader

For Respondent in all the : Mr.B.Saravanan
Writ Appeals for Mr.B.Saravanan

COMMON JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR,J.)

The State has preferred all the above 13 Writ Appeals, challenging the common order of learned Single Judge dated 22.04.2022 in W.P(MD)Nos.6295 to 6297 and 6299 to 6308 of 2022, disposing of the writ petitions filed by the respondent in the respective appeals with certain directions.

2. Since the issue involved in these writ appeals are one and the same and the writ appeals arise out of a common order, they are taken up together for disposal.

3. Heard Mr.N.Satheeshkumar, learned Additional Government Pleader appearing for the appellants and Mr.B.Saravanan, learned counsel for the respondent in the respective writ appeals. By consent of both sides, these appeals are taken up for final disposal at the admission stage itself.



4. Brief facts, that are necessary for disposal of these Writ Appeals, are as follows:-

4.1 Pursuant to a direction of this Court in a Public Interest Litigation in W.P.(MD) No.16194 of 2020, by order dated 18.11.2020, show cause notices were issued to the respondent in these writ appeals / writ petitioners based on the survey alleged to have been conducted by the appellants.

4.2 The writ petitioners challenged the individual show cause notices only on the ground that the first appellant has pre-determined the issue and an adverse order is likely to be passed against the writ petitioners.

4.3 Learned Single Judge of this Court, while disposing of the writ petitions by a common order dated 22.04.2022, held that there is no basis for conclusion that the first appellant has predetermined the issue against the writ petitioners. However, learned Single Judge, disposed of the writ petitions in the following lines:-

"7. ... In order to protect the interest of the petitioners, in case, any adverse orders are passed against them, the first respondent shall keep the adverse order, if any, in abeyance for a period of one month



from the date of final order to enable the petitioners to challenge the same, if so advised, in the manner known to them under law.”

4.4 Challenging that portion of the order, by which, a direction was issued to the first respondent to keep the adverse order, if any, in abeyance for a period of one month from the date of final order to enable the petitioners to challenge the order, that may be passed in pursuant to the show cause notices in the manner known to law, the above Writ Appeals are filed.

4.5 Another ground on which the appeals have been filed is that the writ petitioners who are found to have indulged in illegal quarry operations should be enjoined from operating quarry in the licensed area as the writ petitioners violated the terms and conditions of the licence. In other words, it is contended that the writ petitioners are not supposed to continue their quarry operations either for violation of terms and conditions of licence or for operating quarry in utter disregard to the provisions contained in the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed thereunder.



5. Learned counsel appearing for the respondent in the respective writ appeals have no objection to delete that portion of the order, which requires the first appellant to keep the adverse orders, if any, that may be passed, in abeyance for one month so as to enable them to challenge the same. However, learned counsel for the writ petitioner submitted that the request of learned Additional Government Pleader to give interim direction or interim order, directing the writ petitioners not to operate quarries even in licensed area is against its statute or principles of natural justice.

6. Learned Additional Government Pleader appearing for the appellants relied upon the judgment of Hon'ble Supreme Court in ***State of Orissa v. MESCO Steels Ltd.***, reported in **(2013) 4 SCC 340**.

7. This Court is unable to sustain the second point on which these writ appeals are argued. The first appellant cannot prejudge the issue and try to implement the consequences of final order even before the adverse order is passed. It is to be noted that learned Single Judge, while disposing of the writ petitions observed that the



impugned show cause notices do not indicate that the first respondent in the writ petitions has predetermined the issue against the petitioners. The observation is contrary to the submission of learned Additional Government Pleader as his request now is that the writ petitioners should suffer an order of injunction to carry on quarry operations even in respect of the land for which there is licence, merely because the show cause notices were issued on the ground that the writ petitioners' licence are liable to be cancelled for the illegal activities. When the very issue has to be considered based on the explanation offered by the petitioners, while passing final orders, this Court is unable to sustain the arguments of learned Additional Government Pleader appearing for the appellants.

8. In view of the above, these Writ Appeals are partly allowed by deleting the operative portion of the impugned order of learned Single Judge of this Court in paragraph 7, in which, the first respondent is directed to keep the adverse order, if any, in abeyance for a period of one month from the date of final order to enable the petitioners to challenge the same, if so advised, in the



W.A(MD)Nos.949 to 961 of 2022

manner known to them under law. In all other respects, the order of learned Single Judge is perfectly in order. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J] [S.S.Y.,J.]
01.09.2022

Index :Yes/No

Internet :Yes/No

sj

To

1.The District Collector,
Office of the District Collector,
Theni District.

2.The Assistant Director,
Geology and Mining,
Office of the District Collector,
Theni District.



WEB COPY



W.A(MD)Nos.949 to 961 of 2022

S.S.SUNDAR,J.
and
S.SRIMATHY,J.

sj

W.A(MD)Nos.949 to 961 of 2022



WEB COPY



W.A(MD)Nos.949 to 961 of 2022

01.09.2022