



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.25 of 2022

And

WMP No.5340 of 2022

M/s.Dalmia Cement (Bharat) Ltd.,
Dalmiapuram,
Tiruchirapalli District
Represented by its Dy. General Manager (Accounts) ... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Industrial Department,
Fort St. George,
Chennai-600 009.

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

3.District Collector,
Tiruchirapalli.

4.District Collector,
Ariyalur.

... Respondents



Prayer: The Review Application is preferred under Section 114 of CPC read with Order XLVII Rules 1 and 2 of CPC against the judgment dated 21.01.2022 passed by this Court in WP No.12033 of 2002.

For Petitioner	: Mr.P.R.Raman, Senior Counsel for Mr.C.Seethapathy.
For Respondents	: Mr.R.Shanmugasundaram, Advocate General Assisted by Mr.K.M.D.Muhilan, Government Advocate.

ORDER

The learned Senior Counsel appearing on behalf of the review petitioner mainly contended that during the course of arguments in the writ petition, the learned Advocate General made a submission that the impugned demand notice in the writ petition shall be construed as show cause notice, enabling the aggrieved petitioner to submit their defence statements. However, that has not been recorded by this Court. Therefore, the petitioner is constrained to move the present Review Application.



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2. Even assuming that such submissions were made by the learned Advocate General during the course of arguments, all such submissions were elaborately considered by this Court and more-so, this Court drew a distinction between the 'demand notice' and 'show cause notice' and the nature of the 'demand notice' issued to the writ petitioner by the Department for the purpose of recovering the royalty. Certain 'demand notices' cannot be construed as 'show cause notices' and this aspect has been elaborately considered by this Court and final order has been passed.

3. That being the factum, the said ground need not be considered for the purpose of entertaining the present Review Application. The scope of review cannot be expanded for the purpose of adjudicating the issues, which were already adjudicated by this Court. Thus, this Court is not inclined to entertain the present Review Application.

4. Accordingly, the present Review Application stands dismissed. However, there shall be no order as to costs. Consequently, the



connected miscellaneous petition is also dismissed.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

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1. The Secretary to Government,
State of Tamil Nadu, State of Tamil Nadu,
Industrial Department,
Fort St. George,
Chennai-600 009.

2. Director of Geology and Mining,
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Chennai-600 032.

3. District Collector,
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S.M.SUBRAMANIAM, J.

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