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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.(MD)Nos.44 & 46 of 2024 IN
W.P.(MD)No.30672 of 2023 AND
W.M.P.(MD)Nos.4554, 4555, 4556, 4637 & 4640 of 2024

REV.APLC(MD)No.44 of 2024

1. Jinitta Rajini
2. Ancy Shobarani ... Petitioners/ Applicants/ 3rd Parties

Vs.

1. P.John Peter
2. The Commissioner Geology and Mining,
   Directorate of Geology and Mining,
   Industrial Estate, Guindy, Chennai.

3. The District Collector,
   Kanyakumari District,
   Nagercoil.

4. The Assistant Director Department of Geology and Mining,
   Collectorate, Kanyakumari District,
   Nagercoil.

5. The President,
   Kappiyarai Village, Kalkulam Taluk,
   Kanyakumari District. ... Respondents / Respondents

Prayer: Review application filed under Order 47 Rule 1 of CPC, to review the order passed by this Court in W.P.(MD)No.30672 of 2023

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dated 21.12.2023.

For Petitioner : Mr.T.Arul

For R-1 : Mr.A.Nallathambi Raj

For R-2 to R-5 : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

REV.APLC(MD)No.46 of 2024

1. C.Ahilavathi
2. M.Thangasami
3. G.Kavitha
4. P.Thangarani
5. S.Saraswathi ... Petitioners/ Applicants

Vs.

1. P.John Peter
2. The Commissioner Geology and Mining,
   Directorate of Geology and Mining,
   Industrial Estate, Guindy, Chennai.

3. The District Collector,
   Kanyakumari District,
   Nagercoil.

4. The Assistant Director Department of Geology and Mining,
   Collectorate, Kanyakumari District,
   Nagercoil.

5. The President,
   Kappiyarai Village, Kalkulam Taluk,
   Kanyakumari District. ... Respondents / Respondents

Prayer: Review application filed under Order 47 Rules 1 & 2 and Section 114 of CPC, to review the order passed by this Court in W.P.(MD)No.30672 of 2023 dated 21.12.2023.

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For Petitioner : Mr.K.Ragatheesh Kumar
For R-1 : Mr.A.Nallathambi Raj
For R-2 to R-5 : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

C O M M O N O R D E R

Heard the learned counsel on either side.

2. One P.John Peter filed W.P.(MD)No.30672 of 2023 to quash the order suspending his quarry lease and for issuance of transport permit. The said writ petition was disposed of by me in the following terms:-

> "2. The petitioner's quarrying activities have been suspended vide proceedings, dated 24.05.2023. The petitioner was issued with notice and the petitioner offered his explanation as early as on 18.08.2023. Personal hearing was granted to the petitioner and the enquiry appears to have been concluded. Now the second respondent has to pass final order.
>
> 3. The second respondent is directed to pass final order on the show cause notice, dated 10.08.2023 in RC.No.43/G&M/2010 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The consequence of impugned order will abide by the final order to be passed by the second respondent."

3. Seeking review of the said order, the present review applications

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have been filed.

4. Since I have not passed any order on merits, there is no need to review the order. At the same time, to assuage the concerns expressed by the review applicants, it is directed that before the final order is passed by the District Collector, Kanyakumari District, the review applicants shall be heard in person. Enquiry shall be conducted by the District Collector on 12.03.2024 at 3.00 pm. or on any other date, if it is not suitable for the District Collector. The petitioner however will not receive any separate notice. The objections to be placed by the review applicants shall be taken into account and dealt with. Speaking order will be passed by the District Collector. I make it clear that I have not gone into the merits of the matter. The contentions of the review applicants as well as the writ petitioner are left open. These review applications are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue order copy on 04.03.2024.

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To:

1. The Commissioner Geology and Mining,
   Directorate of Geology and Mining,
   Industrial Estate, Guindy, Chennai.

2. The District Collector,
   Kanyakumari District,
   Nagercoil.

3. The Assistant Director Department of Geology and Mining,
   Collectorate, Kanyakumari District,
   Nagercoil.

4. The President,
   Kappiyarai Village, Kalkulam Taluk,
   Kanyakumari District.

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G.R.SWAMINATHAN,J.

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