



Cont.A.(MD)No.3 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.01.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

Cont.A(MD)No.3 of 2019
and
C.M.P(MD)Nos.2315 and 2316 of 2019

Mr.N.Rajalingam
The Assistant Development Commissioner
Madras Export Processing Zone,
Special Economic Zone & HEOUs in Tamil Nadu
Pondicherry & Andaman Nicobar Islands,
Administrative Office Building,
National Highways-45
Tambaram,
Chennai-45.

...Appellant/Contemnor/
Respondent/3rd Respondent

Vs.

M/s.Transworld Garnet India Private Ltd.,
Palayamkottai High Road,
Kuttudankadu Village,
Tuticorin-628 103.
Rep by its Managing Director,
S.Jegatheesan.

...Respondent/Petitioner/
Petitioner/Petitioner

PRAYER:- Contempt Appeal filed under Section 19(1) of the Contempt
of Courts Act, against the common order of this Court dated 26.02.2019



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made in Cont.P(MD)No.1150 of 2018 in W.M.P(MD)No.7513 of 2017 in
W.P(MD)No.9806 of 2017 on the file of this Court.

For Appellant : Mr.K.Govindarajan, ASGI,
For Respondent : No appearance

JUDGMENT

(Judgment of the Court was made by **DR.G.JAYACHANDRAN, J.**)

This Contempt Appeal is directed against the order passed by the learned single Judge in Cont.P(MD)No.1150 of 2018 for the alleged violation of the interim order passed in W.M.P(MD)No.7513 of 2017.

2.The learned Assistant Solicitor General of India submitted that the order passed by the learned single Judge in the contempt petition is contrary to the central preposition of law and facts. The letter of permission granted to the writ petitioner for mining operation expired by that time the interim order was passed and for not implementing the impugned order, the contempt proceedings were initiated. The learned counsel also submitted that the Division Bench has passed an order dated 05.06.2023 in the connected contempt appeal in Cont.A(MD) No.4 of 2019.



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3.Today the matter is listed, but there is no representation on behalf of the writ petitioner/respondent for the second time.

4.On perusal of the order passed by this Court in Cont.A(MD) No.4 of 2019, dated 05.06.2023, we find that the order passed by the learned single Judge and the contempt proceedings initiated by the appellants is liable to be set aside, for the reasons stated in Paragraph Nos.11 to 17 in the order passed in Cont.A(MD)No.4 of 2019. For sake of convenience, the said portion of the order is extracted hereunder:

“11. As has been rightly pointed out by the learned Additional Solicitor General of India appearing for the appellants, first of all, the letter of approval issued by the appellant department dated 02.12.2011 is only for five years period from the date of commencement and as per the averment made by the respondent before this Court, such a commencement, since has been made, since the date of LoA, it should only be construed that five years period is over by 02.12.2016.

12. Only thereafter, the suspension order was passed by the appellant department on 28.12.2016. Therefore, prima facie we are of the view that the said suspension order dated 28.12.2016 was not at all necessitated as the five years approval period was over by then.

13. Assuming that since there has been a fictitious date some time in March 2012 as the commencing date, even that date if it is reckoned to be the five years period is over, when the writ petition filed by the respondent challenging the order of suspension, was taken up for hearing, only on 25.05.2017, the learned Judge stayed the suspension



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order as on that date, the five years period was over. Therefore, the very suspension order itself either become otiose or become infructuous.

14. Therefore, after the five years period was over, since the respondent sought for renewal for further period, it is for the appellant department to consider such a renewal application on its own merits and to take a decision.

15. In this process, the appellant department, having taken note of the past history, which, in fact, triggered them to culminate in the suspension order, had decided to issue a show cause notice on 09.10.2017, which was considered as an alleged violation of the interim order of stay granted on 25.05.2017 and that is how, the said contempt petition was filed in Cont.P. (MD) No.1180/2018, wherein, the impugned order has been passed inflicting the punishment of two weeks simple imprisonment on the appellant officers and also imposed a fine of Rs.5,000/-.

16. The said punishment awarded by the learned Judge through the impugned order is absolutely unnecessary and in fact, there has been no ground to entertain even the contempt petition since no violation of the order dated 25.05.2017 could be noticed because the show cause notice dated 09.10.2017 is an independent action to consider the renewal application made by the respondent and that does not have any connection with the interim order dated 25.05.2017.

17. Moreover, on the date of interim order passed by the writ Court dated 25.05.2017, since the five years permission period had already been lapsed, as we have already stated, the question of granting interim stay does not arise. However, we do not want to go into that aspect, since it is only a contempt appeal.”



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5.For the aforesaid reasons, this Contempt Appeal is allowed.

Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
07.01.2026

Index :Yes/No

Internet :Yes

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To

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