

Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society, Represented by Its President and anr. Vs. K. Venkataraman and ors.

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Court : Chennai

Decided On : Nov-24-1982

Reported in : (1983)2MLJ484

Appellant : Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society, Represented by Its Presi

Respondent : K. Venkataraman and ors.

Judgement :

P.R. Gokulakrishnan, J.

1. Writ Appeal No. 549 of 1982 arises out of Writ Petition No. 6331 of 1982. Writ Petition No. 6331 of 1982 was filed by K. Venkataraman, the first respondent in W.A. No. 549 of 1982, praying for the issue of a writ of certiorari or any other appropriate writ, order or direction, calling for the records in Re. No. 12562|B6|82, dated 22nd July, 1982 on the file of the Director of Industries and Commerce, Mining and Geology Branch, Guindy, Madras, and to quash the same as illegal and without jurisdiction. This writ petition and the writ appeal, which arises out of it concern the quarry in Survey No. 25|2B, situated in Thirusulam village, Saidapet Taluk. According to the writ petitioner, K. Venkataraman, his father was a lessee for the quarry bearing S. No. 25|2B in Thirusulam village, for a period of three years commencing from 1st July, 1979 to 30th June, 1982. His father died on 22nd November, 1981. After his father's death, the writ petitioner applied to the Collector of Chingleput for renewal of the lease for a further period of five years from 1st July, 1982. The Collector of Chingleput refused to renew the lease. Therefore, the writ petitioner preferred an appeal to the Director of Industries and Commerce, Mining and Geology Branch, Madras, who is the second respondent in the writ appeal. The second respondent dismissed the appeal confirming the order of refusal of the Collector. The refusal to renew the lease was on the ground that the father of the writ petitioner had not paid the sales tax dues; that there were more applications than one for the grant of lease to quarry; and that therefore, the Collector was bound to bring the property to auction under Rule 8 of the Tamil Nadu Minor Mineral Concession Rules, 1959(hereinafter referred to as the Rules). According to the writ petitioner, the Collector ought to have granted the renewal of the lease under Rule 9 of the Rules and the refusal to renew the lease is against the Rules, besides violating the principles of natural justice. On the above allegations, the writ petitioner prayed for the reliefs set out above. In W. P. No. 6331 of 1982, the writ petitioner has made the Director of Industries and Commerce, Mining and Geology Branch, Guindy, Madras as the first respondent and the State of Tamil Nadu represented by the Collector of Chingleput at Kancheepuram as the second respondent; and they are respectively respondents 2 and 3 in W.A. No. 549 of 1982.

2. The learned single Judge, by consent of parties to the writ petition, took up the main writ petition itself for hearing on 18th August, 1982 and passed the following order in order to protect the interests of the parties to the writ petition.

1. The respondents are at liberty to re-auction the quarry in which the petitioner also will be entitled to bid.

2. Till the re-auction is held, the petitioner will be permitted to quarry.

3. As on the date of the acceptance of the bid in the re-auction and confirmation of the same, the petitioner will be entitled to whatever he has quarried and kept on the site as his material.

4. The period subsequent to 1st July, 1982 till the date of confirmation of the re-auction will be governed by the same terms and conditions which were during the earlier three years.

3. The appellant in this writ appeal, Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society represented by its President, filed C.M.A. No. 10994 of 1982 for grant of leave to file the writ appeal. The prayer was granted and accordingly the present appeal has been filed.

4. The writ appeal was admitted on 8th September, 1982 and stay of re-auction was granted on 13th September, 1982. Subsequently, pursuant to orders in C.M.P. Nos. 11686 and 11687 of 1982. Stone Crusher Owners' Association represented by its President M. G. Srinivasan got themselves impleaded as a party 4th respondent in this writ appeal. Hereafter we shall refer to the parties as they stand arrayed in W.A. No. 549 of 1982 as far as possible for convenience sake.

5. To appreciate the controversy as a whole, we have to refer to an earlier writ petition W.P. No. 5876 of 1979. This writ petition was filed by the appellant for setting aside the order, dated 4th July, 1979, passed by the Collector of Chingleput at Kancheepuram and for directing consideration of the application filed by it on 16th March, 1979 to lease the lands which has been granted in favour of Kuppuswami Iyer (since dead) and who was none other than the father of the first respondent in W.A. No. 549 of 1982. In that writ petition, the appellant contended that as per Rule 10 of the Rules, the appellant, being a labour co-operative society, ought to have been given preference in the matter of grant of lease. The father of the first respondent herein contested the writ petition on the ground that the appellant herein was not entitled to the lease, since it had already been in occupation of a major portion of the lands in the village for quarrying purpose and its occupation was also unauthorised. The learned single Judge who dealt with writ petition filed by the appellant, observed that nearly 2 years had elapsed; that it would be futile to direct the authority to consider the application already filed afresh; that it would be just and proper to direct the Collector of Chingleput to consider the application, if any, to be filed by the appellant and dispose of the same on merits: and that the Collector, while passing such order, would state as to how and on what ground the preference available under Rule 10 is unavailable to the appellant herein. Giving directions on the above terms, the learned Judge dismissed that writ petition filed by the appellant herein.

6. Subsequent to the above order, the appellant put in an application to the Collector of Chingleput for leasing out the quarry from fasli 1392 onwards. This application

was put in on 24th April. 1982: on 6th May, 1982, the appellant also sent a reminder.

7. The first respondent filed W.P. No. 4623 of 1982 alleging that the Collector of Chingleput has not passed any orders on his application for renewal of the lease for quarrying purposes. In that writ petition, the first respondent prayed for the issue of a writ of mandamus or any other appropriate writ, order or direction to direct the Collector of Chingleput to consider his application and pass such orders regarding renewal of lease for stone crushing in S. No. 252B, situate in Thirusulam village, Saidapet Taluk. Along with the said writ petition, the first respondent herein filed a petition praying for an interim, injunction restraining the Government of Tamil Nadu represented by the Collector of Chingleput at Kancheepuram from interfering with his stone-quarrying in S. No. 25|2B situate in Thirusulam village.

8. In Writ Petition No. 4623 of 1982, the appellant filed W.M.P. No. 8940 of 1982 praying for impleading itself as a party respondent thereto. In the affidavit filed in support of the impleading petition, the appellant herein has given details regarding the previous writ petition and also the application it had put in for the purpose of getting lease for quarrying blue metal. Inasmuch as the Director of Industries and the Collector refused to renew the lease in favour of the first respondent, Padmanabhan, J., dismissed W.P. No. 4623 of 1982 as having become infructuous and vacated the interim injunction granted in favour of the first respondent.

9. The Director of Industries, while refusing to renew the lease in favour of the respondent has made certain observations! in his proceedings Re. No. 12562B682, dated 22nd July, 1982. According to this order, the Director has taken note of the failure to remit the sales tax dues by the first respondent's father and has also endorsed the view of the Collector to bring the quarry in auction since there is a keen competition to take the quarry on lease.

10. In spite of the above facts, the first respondent filed W.P. No. 6331 of 1982 making only the Director of Industries and the State of Tamil Nadu represented by the Collector of Chingleput as party-respondents, without impleading the appellant or other contesting aspirants for the lease of the quarry. It is in this writ petition, V. Ramaswami, J., passed the order, extracted above, after taking up the main writ petition itself for final disposal by consent of the parties thereto. It is as against the order of V. Ramaswami, J., Writ Appeal No. 549 of 1982 has been filed.

11. While matters stand thus, we can now look into the other two writ appeals viz., W.A. Nos. 622 and 644 of 1982. In these two writ appeals also, quarrying in the concerned land is involved. W.A. Nos. 622 and 644 of 1982 arise out of W.M.P. Nos. 10908, 11095 and 11096 of 1982 in W.P. No. 7234 of 1982. Writ Petition No. 7234 of 1982 was filed by one T.J. Lakshmanan for issuing a writ of mandamus or any other appropriate writ, order or direction forbearing the State of Tamil Nadu represented by the Collector of Chingleput at Kancheepuram from bringing the site bearing S. No. 252B in Thirusulam Village, Saidapet Taluk for auction, Along with the writ Petition, the writ petitioner T.J. Lakshmanan also filed a petition W.M.P. No. 10908 of 1982 for the purpose of restraining the State of Tamil Nadu represented by the Collector of Chingleput from bringing the site in S. No. 25|2B in Thirusulam Village to auction pending disposal of W.P. No. 7234 of 1982. In this writ petition the State of Tamil Nadu represented by the Collector of Chingleput alone was made a party respondent.

12. According to the writ petitioner T.J. Lakshmanan, himself and 500 persons

belonging to Thirusulam Village, consisting of Backward Class and Scheduled Caste, are engaged in stone quarrying work for the past 25 years in the hills belonging to the State of Tamil Nadu. He has further submitted that they have formed a society and have also filed an application for registration of the said society and that the Deputy Registrar of Co-operative Societies has not yet passed orders granting registration though he (T.J. Lakshmanan) was sending reminders to him. Since the Department is bringing the site for public auction, which was posted to 13th September, 1982, at the time of the filing of the writ petition the writ petitioner T.J. Lakshmanan, has come by way of W.P. No. 7234 of 1982.

13. The Stone Crusher. Owners' Association represented by M. G. Srinivasan filed W.M.P. No. 11095 of 1982 for getting the said association impleaded as a party respondent to the writ petition (W.P. No. 7234 of 1982). He has also filed W.M.P. No. 11096 of 1982 to vacate the interim injunction granted by this Court in W.M.P. No. 10908 of 1982 restraining the State of Tamil Nadu represented by the Collector of Chingleput, from bringing the site in S. No. 25/2B to auction.

14. All these petitions were taken up by V. Ramaswami, J., and a common order was passed by the learned Judge on 23rd September, 1982. The learned Judge was informed by the learned Government Pleader at the time of the disposal of these petitions that the application for registration of the society prayed for by the writ petitioner in W.P. No. 7234 of 1982 was filed on 25th March, 1982, and the same is pending for the purpose of amending certain by-laws. It is seen from the order of the learned Judge that such a society to be registered by the writ petitioner therein is named as Annai Indira Labour Contract Co-operative Society. Taking these aspects into consideration the learned Judge directed the Collector of Chingleput to consider the Annai Indira Labour Contract Co-operative Society as a society registered under the Tamil Nadu Co-operative Societies Act while dealing with the lease of the site in S. No. 25|2B, Thirusulam Village, Saidapet Taluk, for quarrying purpose. The learned Judge further directed that if for any reason the Collector thinks that Annai Indira Labour Contract Co-opertive Society could not be given the lease even as a registered co-operative society then, he may take steps to auction. As far as the impleading petition (W.M.P. No. 11095 of 1982) is concerned, the learned Judge has ordered to implead the Stone Crusher Owners' Association represented by M.G. Srinivasan as party respondent to the writ petition (W.P. No. 7234 of 1982). As against this order of the learned Judge, the Stone Crusher Owners' Association represented by M.G. Srinivasan has filed W.A. 622 of 1982. As against the same order, Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society Limited by its President after getting permission from this Court to file a writ appeal inasmuch as it was not a party to W.P. No. 7234 of 1982, has also filed W.A. No. 644 of 1982. At this juncture, we may also rafer to W.P. No. 8599 of 1982 filed by Annai Indira Labour Contract Co-operative Society making the Deputy Registrar of Cooperative Societies, Saidapet, Madras, as party respondent. In that writ petition, the petitioner therein has prayed for directing the Deputy Registrar of Co-operative Societies, Saidapet, Madras, to dispose of the application filed for registration of the Society. The learned, single Judge of this Court, after giving notice to the Government Pleader on the same date when it came up for admission, passed the following order on 19th October, 1982

Government Pleader takes notice. Since the prayer in the writ petition is only to direct the respondent to dispose of the application for registration, there could be no objection for it. Accordingly, I direct the respondent to dispose of the application of the petitioner for registration within a period of one week from this date on merits.

The writ petition is ordered accordingly. No costs.

15. Thus, from the narration of the aforesaid facts, we are able to see that various writ petitions have been filed by various parties in order to get the quarrying right from the Government in respect of the very same land at Thirusulam Village, Saidapet Taluk.

16. One Kuppuswami Iyer, was the original lessee for this quarrying operation. After his death, his son K. Venkataraman is carrying on the quarrying operation as on this date by virtue of the order passed by this Court in W.P. No. 6331 of 1982 extracted above, lie is also one of the contesting parties to get the quarrying operation. Thirusulam Anna Harijan Blue Metal Workers Industrial Cooperative Society Limited, Stone Crusher Owners' Association and one T.J. Lakshmanan representing Annai Indira Labour Contract Co-operative Society, are also in the field for getting the lease for quarrying.

17. Messrs V.P. Raman and G. Rajan appear for Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society Limited, Messrs K. Venkataswami and K. Govindarajan appear for T. J. Lakshmanan who represents the Annai Indira Labour Contract Co-operative Society, Mr. P. Chidambaram appears for the Stone Crusher Owners' Association, Mr. T. V. Balakrishnan appears for K. Venkataraman.

18. As stated above W.A. Nos. 622 and 644 of 1982 are against W.M.P. Nos. 10908, 11095 and 11096 of 1982 in W.P. No, 7234 of 1982. The main writ petition itself is pending. It is only as against the interlocutory directions given in the aforesaid petitions, the two appeals have been filed.

19. Messrs V.P. Raman and P. Chidambaram make out a common case in respect of these two writ appeals and submit that the directions given by the learned single Judge to treat Annai Indira Labour Contract Cooperative Society as a Society registered under the Tamil Nadu Co-operative Societies Act is not tenable in law, that the further directions to take steps for auctioning the quarry if the Collector of Changleput should think that Annai Indira Labour Contract Co-operative Society could not be given the lease, could not also be supported in law. According to the learned Counsel, Annai Indira Labour Contract Cooperative Society has not yet been registered and that is also made clear from the order passed in W.P. No. 8599 of 1982 as late as 19th October, 1982. Mr. K. Govindarajan, learned Counsel for the first respondent in W.A. No. 644 of 1982 has to accept the fact that the said Annai Indira Labour Contract Co-operative Society has not yet been registered. But Mr. K. Govindarajan, learned Counsel appearing for the said society submits that it must be deemed to be a registered society. For this purpose, he would rely on Rule 2(2) of the Rules. Rule 2(2) reads as follows:

Labour Co-operative Society means a Cooperative Society which is registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act (VI of 1932), and whose members are all labourers.

We are afraid, we cannot countenance this contention. We pointed out to Mr. K. Govindarajan, learned Counsel appearing for the said society that Section 2(9) of the Tamil Nadu Co-operative Societies Act (LIII of 1961) defines 'registered society' as meaning 'a society registered or deemed to be registered under this Act.' Section 114 of Tamil Nadu Act, LIII of 1961, states that every society how existing, which has

been registered under the earlier statutes, shall be deemed to be registered under this Act. Section 2(9) and Section 62 of Tamil Nadu Act VI of 1932, were to the similar effect. By no stretch of imagination, a society, which has not been registered either under the earlier law or under the existing law, could get the character of a registered society. Realising the above position in law, Mr. K. Govindarajan, learned Counsel has to concede that his client will not come under Rule 2(2) of the Rules. Hence, we are of the view that the order of the learned Judge directing the Collector of Chingleput to consider Annai Indira Labour Contract Co-operative Society as a society registered under the Tamil Nadu Co-operative Societies Act, when as a matter of fact, it has not yet been registered, cannot be sustained. Whether auction can be a straightway ordered where there are 'Labour Co-operative Societies' within the meaning of the Rules, available to do the work is a question that has to be decided on a construction of the relevant rules. We will presently deal with the scope of the Rules while discussing the grievances of the parties concerned .

20. It is clear from the facts narrated above that Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society does not want auction to be held but would want the lease in their favour by virtue of Rule 10 of the Tamil Nadu Minor Mineral Concession Rules, 1959. The Stone Crusher Owners' Association wants the lease in their favour as per Rule 8-A of the said Rules; if that is not possible, they want the lease to be put in public auction. T.J. Lakshmanan, who represents Annai Indira Labour Contract Cooperative Society, Saidapet, wants his application to be considered for grant of the lease under Rule 10 of the said Rules, since, according to him, the Society represented by him, is a labour co-operative society. For the reasons already stated, this society has no place in the field as on date as a 'labour co-operative society' within the meaning of Rule 2(2) of the Rules. Mr. K. Venkataraman, an independent aspirant to get the lease for quarrying purposes is the son of Kuppuswami, in whose favour the lease was granted originally and after his demise, Mr. K. Venkataraman is continuing to enjoy the benefits of quarrying by virtue of orders of Court. Pending the writ appeals, he has been permitted to quarry, subject to the condition he makes deposits by way of security. He is interested in continuing the quarrying somehow or other as long as possible and if this is not feasible he is amenable for auctioning the lands for quarrying.

21. Mr. P. Chidambaram, learned Counsel appearing for Stone Crusher Owners' Association, fairly submits that the authorities concerned must first exhaust Rule 10 and then only must exhaust Rule 8-A. If nobody is available for grant under Rule 8-A, only thereafter question of auctioning under Rule 8 will come in. Mr. V. P. Raman and Mr. G. Rajan, learned Counsel appearing for Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society submit that this is a 'Labour Co-operative Society' within the meaning of Rule 2(2) of the Rules and therefore the lease must be granted in its favour under Rule 10. According to learned Counsel, only after exhausting Rule 10, in which the preferential claims of this labour-oriented society will have to be considered, the other preceding Rules can be invoked. Their further submission is that K. Venkataraman, who is now quarrying cannot be permitted to have benefits of the same under orders of Court which will have no sanction under the Rules. It is further submitted that if Venkataraman is allowed to quarry pending settlement finally of the question of leasing the lands in question, there will not be anything left; for the prospective lessee, who will ultimately succeed on this issue.

Rule 10 of the Rules, 1959, reads as follows:

10. Lease to Repatriates from Ceylon and Co-operative Societies.--Notwithstanding anything to the contrary contained in Rules 8 and 9, preference shall be given to application for leases of quarries received from repatriates from Ceylon and any labour Co-operative Society. The lease amount to be collected from any such repatriate or society shall be an amount equal to the average of the lease amount for the preceding ten years or the average of seigniorage fee specified in Rule 8 for the preceding ten years, whichever is higher, in addition to the ordinary assessment:

Provided that when applications are received from a repatriate from Ceylon and a Labour Co-operative Society preference shall be given to the former.

Explanation.--The expression 'repatriate from Ceylon' shall mean a person who has been certified by the High Commissioner of India in Ceylon to be a person affected by the scheme of the Government of Ceylon for repatriation of Indian Nationals and who therefore has left or has been displaced from his place of residence in Ceylon and who has been subsequently residing in India.

A reading of Rule 10 clearly shows that notwithstanding anything contained in Rules 8 and 9 of the Rules, preference shall be given to application for leases of quarries received from repatriates from Ceylon and any labour co-operative society.

22. Rule 8-A was introduced subsequently in 1973 and it reads as follows:

8-A. Lease to the Industries.--Notwith-standing anything to the contrary contained in Rule 8 the Collector may sanction leases in favour of the applicants who require the mineral for their existing industry or industries or, who are having a distinct industrial programme to utilise the mineral in their own industry. The lease amount to be collected from any such applicant shall be an amount equal to the average of the lease amount for the preceding three years or the average of seigniorage fee specified in Rule 8 for the preceding ten years, whichever is higher, in addition to the ordinary assessment.

That the words 'notwithstanding anything to the contrary contained in Rules 8 and 9' occurring in Rule 10 will govern Rule 8-A also, which was introduced subsequent to Rule 10, need not be gone into since Mr. P. Chidambaram, learned Counsel appearing for the Stone Crusher Owners' Association, fairly concedes that Rule 10 of the Rules will have to be first exhausted and thereafter, the authority must go to Rule 8-A and then only Rule 8 will come into play. That this is the proper working of the Rules has not been seriously disputed by any of the counsel and in any event, we do not find any other formula which should govern the working of the Rules presented by any of the counsel. Hence, in the scheme of the Rules, preference shall be given to application for leases of quarries received from repatriates from Ceylon and any Labour Co-operative Society, under Rule 10. If such preference is not feasible, the authority will necessarily have to go to Rule 8-A and if Rule 8-A is exhausted, Rule 8 will come into operation.

23. Amongst the parties before us, we find Thirusulam Anna Harijan Blue Metal Workers Industrial Co-operative Society is a labour co-operative society within the meaning of Rule 2(2) off the Rules; and thus it is entitled to have a preferential treatment under Rule 10 of the Rules. It is not stated before us that there is any repatriate from Ceylon in the field of competition. If only the claim of this labour co-operative society is ruled out on relevant consideration, Rule 8-A will come into play

and in such a case, Stone Crusher Owners' Association will come into the picture for consideration by the authority. If the claim of Stone Crusher Owners' Association is also to be eschewed on relevant consideration, Rule 8 of the Rules can be invoked and there may be a warrant on working of the said Rule to order public auction.

24. We have already found that Annai Indira Labour Contract Co-operative Society cannot come within the meaning of a labour co-operative society under Rule 2(2) of the Rules and hence, as on date, it cannot come into the field as a Labour Co-operative Society claiming preferential rights under Rule 10 of the Rules. Hence, the directions given by V. Ramaswami, J., in W.M.P. Nos. 10908, 11095 and 11096 of 1982 to consider this society as a Labour Co-operative Society cannot be sustained. Equally so the other direction of the learned judge that if for any reason the Collector thinks' that Annai Indira Labour Co-operative Society, Thirusulam could not be given the lease even as a labour co-operative society, then he may take steps to auction, is unsustainable. Obviously, the fact that there are other competitors who will have preferential claims under Rule 10 and Rule 8-A has not been brought to the notice of the learned judge. The presence of these competitors in the field compels the application of the Rules in the manner indicated by us above and there cannot be a direction to straightaway auction the lease in public.

25. This obliges us to interfere in W.A. Nos. 622 and 644 of 1982 and accordingly, they are allowed and the directions given by the learned Judge in W.M.P. Nos. 10908 and 11096 of 1982 are set aside. We make no order as to costs.

26. From the foregoing discussion, it is also dear that the order in W.P. No. 6331 of 1982 directing the second and third respondents to re-auction the quarry, giving permission to the first respondent to bid at the reduction, cannot stand.

27. Writ Appeal No. 549 of 1982 is against the order in W.P. 6331 of 1982. W.P. No. 6331 of 1982, as we have already seen, was filed to quash the order of the Director of Industries passed in Re. No. 12562|B6| 82, dated 22nd July, 1982. By that order, the prayer for renewal of the lease in favour of the first respondent in W.A. No. 549 of 1982 was rejected solely on the ground that he had not remitted the sum of Rs. 9,930 towards sales tax and that the quarry has to be auctioned inasmuch as there were four applicants for grant of the lease of the quarrying. As we have observed already, the first respondent Venkataraman is the son of Kuppaswami who had the lease in his favour for a number of years. He is no more now. His lease has already come to an end. It is not as a matter of right any renewal of lease is granted. The procedure contemplated by the Rules with reference to grant of leases has sufficiently been discussed by us in paragraphs supra. As such, the direction given by the learned Judge goes beyond what is contemplated and sanctioned by the Rules. Mr. C. Chinnaswami, learned Advocate for the Government also made it clear that the Government is not at all in favour of renewing the lease or extending the time of the lease in favour of the first respondent. Considering all these aspects, Writ Appeal No. 549 of 1982 is also allowed, and as a result, W.P. No. 6331 of 1982 will stand dismissed. There will be no order as to costs.

28. Considering the fact that already sufficient time has elapsed, it is high time that the authority or authorities concerned take up the question of leasing out the land concerned for quarrying expeditiously in accordance with the working of the Rules as indicated by us in this Judgment.

29. Before we part with this judgment, we feel obliged to state the following: After Judgment was reserved on 3rd November, 1982, Mr. T.V. Balakrishnan, learned Counsel for the first respondent in W.A. No. 549 of 1982 mentioned to us that the passing of the judgment may be postponed since his client had obtained certain orders in the Supreme Court of India in a special leave petition directed against interim orders passed by us requiring his client to make deposits for security, but he was not able to give the details as such. We directed the matter to be posted on 15th November, 1982. Since 15th November, 1982, happened to be a holiday, the Court could sit only on 16th November, 1982. On that date, it was found that the Court Officer (Bench Clerk) has wrongly noted the adjourned date as 15th December, 1982, instead of 16th November, 1982. Hence, we sent for Mr. T.V. Balakrishnan and required him to give details of the orders, if any, passed by the Supreme Court which will have a bearing on our judgment. Learned Counsel submitted that so far as his knowledge goes, there has been only a reduction of the amount of security from Rs. 75,000 to Rs. 50,000 on an affidavit filed by the counsel himself, vis., Mr. T.V. Balakrishnan stating that he had not consented for Rs. 75,000 as the amount of security. Learned Counsel further submitted that the orders passed by the Supreme Court will have no bearing on the merits of the appeals or our Judgment,

30. To-day, Mr. T.V. Balakrishnan produces a copy of the order, dated 5th November, 1982, passed by the Supreme Court in Civil Appeal No. 3480 of 1982 and we do not find anything expressed there, inhibiting us from disposing of the writ appeals on merits.

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