

Madras High Court

Thirisoolam Anna Harijan Blue ... vs State Of Tamil Nadu And Ors. on 12 February, 2001

Equivalent citations: AIR 2001 Mad 306

Author: N Jain

Bench: N Jain, K Sampath

JUDGMENT N.K. Jain, C.J.

1. This writ appeal has been filed against the order of the learned single Judge, dated 1-7-1999, passed in W.P. No. 14482 of 1986.
2. The grievance of the appellant is that the members of the appellant-Society were quarrying only as per the interim order of this Court dated 5-12-1996, and therefore, they are not liable to pay the lease amount or seigniorage fee for the period during which the interim order was in force, as directed by the learned single Judge, while dismissing the writ petition.
3. We have heard the learned counsel for the appellant, and perused the materials on record. It is settled that any interim order passed is merged with the final order. Once, the writ petition is dismissed, one cannot take advantage of the interim order, unless otherwise, specifically directed in the final order. In the instant case, the lease in question was granted on 8-4-1993, for the period up to 7-4-1996 for three years. The appellant moved application, after the expiry of the lease period, and got interim order on 5-12-1996, which was ultimately vacated on 6-8-1997. The writ petition was also dismissed on 1-7-1999. In our view, the appellant cannot take advantage of the interim order, nor he can say that he had no knowledge of vacation of the interim order. In the garb of interim order, the members of the appellant-Society were doing quarrying operations, without any subsisting licence, moreso, the appellant has not been able to show that the society had been granted licence at the time of passing of the interim order, or at any time. We see no reason to interfere. In any view of the matter, we find no error or illegality in the order of the learned single Judge, so as to call for any interference. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected C.M.P. is also dismissed. However, if any remedy is available to the appellant-Society, it is free to avail the same, in accordance with law.