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SLP(C)No. 4170-4171 OF 2001

.PL58

ITEM No.41 with 64

Court No. 9

SECTION III

& X

A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4170-4171/2001

(From the judgement and order dated 08/01/2001 in WP 8329/97 &
8330/1997 of The HIGH COURT OF MADRAS)

DALMIA CEMENTS(BHARAT) LTD.

Petitioner (s)

VERSUS

STATE OF TAMIL NADU & ANR.

Respondent (s)

WITH

SLP(C)No.10201-10288/2001, W.P(C)No.278/2001, SLP(C)..CC.5147-5150/2001,
IA 1-2 in&SLP..CC.4320/2001, SLP(C)No.4396-4397/2001, SLP(C)...CC
5481-5482/2001,
SLP(C)No.4554-4555/2001, SLP(C)No.4595-4598/2001, SLP(C)No.4607-4608/2001,
SLP(C)No.4616-4620/2001, SLP(C)No.4621-4622/2001, SLP(C)No.4624-4628/2001,
SLP(C)No.4837-4860/2001, SLP(C)No.13526/2001, IA 1-7 in & SLP(C).CC
5074-5080/2001,
SLP(C)No.6028-6029/2001, SLP(C)No.6069-6104/2001, SLP(C)No.6282-6285/2001,
SLP(C)No.6366-6375/2001, SLP(C)No.6555/2001, SLP(C)No.6848-6853/2001,
SLP(C)No.6952-6954/2001, SLP(C)No.6965/2001, SLP(C)No.7023-7030/2001,
SLP(C)No.7046/2001, SLP(C)No.7283-7284/2001, SLP(C)No.7426/2001,
SLP(C)No.7507-7508/2001, SLP(C)No.7515-7516/2001, SLP(C)No.7585/2001,
SLP(C)No.7621-7623/2001, SLP(C)No.7627/2001, SLP(C)No.7737-7744/2001,
SLP(C)No.7788-7789/2001, SLP(C)No.7878-7879/2001, SLP(C)No.7936/2001,
SLP(C)No.8180-8181/2001, SLP(C)No.8759/2001, SLP(C)No.8900-8901/2001
SLP(C) 13531-13532/2001 (with appln.for bringing LRs of d/petnr.)

(With payer for interim relief & office report)

(With applns for permission to file SLP in SLP..CC.4320/2001 &
in SLP..CC.5074-5080/2001)

(With applns.for c/delay in SLP(C) CC.5147-5150/2001 and
CC.5481-5482/2001)

(With appln.for stay & office report in WP 278/2001)

& WITH

WP(C) Nos.328/2001,340/2001 & SLP(C)..CC.5692-5696/2001

(With appln.for stay in WPs & permission to file SLP & OR)

Date : 27/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI

HON'BLE MR. JUSTICE S.N. PHUKAN

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For Petitioner (s) Mrs.Gauri Rasgotra, Adv.
Ms. Sharuti Chaudhary, Adv.
Mr. Suman Jyoti Khaitan, Adv.

Mr. K. Parasaran, Sr. Adv.
Ms. Prabha Swami, Adv.

Mr. Krishnamurthi Swami, Adv.

M/s UA Rana, Shalini Mittal, Adv.
M/s Gagrat & Co., Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Varun Goswami, Adv.
Ms. Binu Tamta, Adv.

Mr. KK. Mani, Adv.

Mr. KV. Mohan, Adv.

Mr. LN Rao, Sr. Adv.
Mr. Senthil Jagadeesan, Adv.
Mr. V. Ramasubramanian, Adv.

Mr. Sanjay Kunur, Adv.
Mr. NN. Keshwani, Adv.
Mr. Ramlal Roy, Adv.

Ms. N. Annapoorani, Adv.

For Respondent (s) Mr. PN. Ramalingam, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay is condoned.
Permission to file SLPs. is granted.

Applications for bringing L.Rs. on record of deceased
petitioner in SLP(C) 13531-13532/2001 are ordered.

Issue notice in fresh matters and fresh notice to
unserved respondents in the matters wherever the service is
not complete limited to the question as to why in view of the
judgment of this Court in District Mining Officer & Ors. vs. @
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Tata Iron & Steel Co. & Anr. [2001 (4) SCALE 680] the order @
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under challenge should not be set aside and the appeals/writs
are allowed. Notice shall also state that the cases shall be
disposed of at the notice stage. List all such matters on a
non-miscellaneous day after service of notice is complete.

Leave is granted in SLP(C) Nos. 4170-4171/2001,
4396-4397/2001, 4554-4555/2001, 4595-4598/2001,
4616-4620/2001, 4624-4628/2001, 4621-4622/2001,
4837-4860/2001, 6069-6104/2001, 6366-6375/2001,
6028-6029/2001, 6282-6285/2001, 7621-7623/2001, 7627/2001,
8180-8181/2001, 6555/2001, 6965/2001, 7878-7879/2001,
10201-10288/2001, 13527-13530/2001 & 13526/2001. The appeals
are allowed. There shall be no order as to costs.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master

[Signed order is placed on the file.]

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.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.....L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5765-5766 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
[Arising out of SLP(C) 4170-4171/2001]

Dalmia Cements (Bharat) Ltd. ...Appellants

Vs.

State of Tamil Nadu & Anr. ...Respondents

W_I_T_H@@
BBBBBBB

- CA Nos.5767-5768/2001 @ SLP(C) 4396-4397/2001
- CA Nos.5769-5770/2001 @ SLP(C) 4554-4555/2001
- CA Nos.5771-5774/2001 @ SLP(C) 4595-4598/2001
- CA Nos.5775-5779/2001 @ SLP(C) 4616-4620/2001
- CA Nos.5780-5784/2001 @ SLP(C) 4624-4628/2001
- CA Nos.5785-5786/2001 @ SLP(C) 4621-4622/2001
- CA Nos.5787-5810/2001 @ SLP(C) 4837-4860/2001
- CA Nos.5811-5846/2001 @ SLP(C) 6069-6104/2001
- CA Nos.5847-5856/2001 @ SLP(C) 6366-6375/2001
- CA Nos.5857-5858/2001 @ SLP(C) 6028-6029/2001
- CA Nos.5859-5862/2001 @ SLP(C) 6282-6285/2001
- CA Nos.5863-5865/2001 @ SLP(C) 7621-7623/2001
- CA No.5866/2001 @ SLP(C) 7627/2001
- CA Nos.5867-5868/2001 @ SLP(C) 8180-8181/2001
- CA No.5869/2001 @ SLP(C) 6555/2001
- CA No.5870/2001 @ SLP(C) 6965/2001
- CA Nos.5871-5872/2001 @ SLP(C) 7878-7879/2001
- CA Nos.5873-5960/2001 @ SLP(C) 10201-10288/2001
- CA Nos.5961-5964/2001 @ SLP(C) 13527-13530/2001
- CA No.5965/2001 @ SLP(C) 13526/2001

O R D E R@@
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.SP2

Leave is granted.

In view of the judgment of the larger Bench of this Court in District Mining Officer & Ors. vs. Tata Iron & Steel Co. & Anr. [2001 (4) SCALE 680] overruling the judgment of this Court in P.Kannadasan & Ors. vs. State of Tamil Nadu & Ors. [AIR 1996 SC 2560 = 1996(5) SCC 670], the order under challenge is set aside and the appeals are allowed. There shall be no order as to costs.

.SP1

.....J.
[SYED SHAH MOHAMMED QUADRI]

New Delhi,
August 27, 2001.@@
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.....J.
[S.N. PHUKAN]