

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION No.3 OF 2011
In
CIVIL APPEAL NO. 7041 OF 2001

QUARRY OWNERS ASSOCIATION, MANGALORE

Appellant (s)

VERSUS

OBAYYA PUJARY AND OTHERS

Respondent(s)

WITH

I.A. NO.4/2011 IN C.A. NO.7043 OF 2001

O R D E R

These applications have been filed by the State of Karnataka and Karnataka State Stone Crusher and Quarry Owners Association for modification of the directions issued by the High Court of Karnataka in Writ Petition No.17078 of 1997 decided on 10.7.1998, which were confirmed by this Court vide order dated 8.4.2009 passed in Civil Appeal Nos.7041-7043 of 2001.

We have heard Shri K.V. Viswanathan, learned senior counsel appearing for the State of Karnataka and Shri Krishnan Venugopal, learned senior counsel appearing for the State Stone Quarry Owners Association and carefully perused the record.

Learned senior counsel made strenuous efforts to convince us that the directions given by the High Court

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need modification because the implementation thereof is

virtually impossible, but we have not felt impressed.

The applications filed for modification of the

directions issued by the High Court is virtually an attempt

to seek review of the order passed by this Court whereby

the Quarry Owners Association's challenge to the order of

the High Court was negatived and the Government of

Karnataka was directed to implement the directions contained therein within a period of one year of receipt/production of copy of the order of this Court.

As on today, a period of almost two years has elapsed, but the directions given by the High Court more than 12 years ago have not been implemented. The State of

Karnataka can legitimately claim the benefit of interim order passed by this Court but with the dismissal of the civil appeals, the interim order stood automatically vacated and it was the duty of the State and its functionaries to implement the directions of the High Court.

However instead of implementing the directions, the State moved the High Court for amendment of order dated 10.7.1998. The Division Bench of the High Court was very much conscious of the fact that in terms of the order passed by this Court on 8.4.2009, the State was to implement the directions of the High Court within one year

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from the date of production of copy of this order and, therefore, it did not accede to the prayer of the State.

In our view, there is no valid ground much less justification to entertain the prayer made in the applications, which will allow the State Government to wriggle out of its obligation to take action in accordance with the High Court's order dated 10.7.1998.

With the above observations, the applications are dismissed. For filing frivolous application, the State of Karnataka is saddled with cost of Rs.1,00,000/-, which shall be deposited with the Karnataka State Legal Services Authority within a period of two months.

Mr Prashant Kumar, Adv.
For AP & J Chambers,A.O.R.
Mr. M.J. Paul,Adv.

For Respondent(s) Mr. K.V. Viswanathan, Sr.Adv.
Ms. Anitha Shenoy,Adv.
Ms. Rashmi Nandakumar, Adv.
[for State of Karnataka]

Mr. N.D.B. Raju, Adv.
Mr. N. Ganpathy, Adv.

UPON hearing counsel the Court made the following

O R D E R

The interlocutory applications are dismissed
in terms of the signed order.

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(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master
(Signed Order is placed on the file)