



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice R.HEMALATHA

WA(MD) No.1376 of 2017

THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT,
NAGERCOIL-629 001.

... APPELLANT/3rd RESPONDENT

Vs

1 M/S.INDIAN RARE EARTHS LIMITED,
MANAVALAKURICHI,
KANYAKUMARI DISTRICT,
PIN-629 252, REP BY ITS HEAD.

... 1st RESPONDENT/WRIT PETITIONER

2 THE SECRETARY TO GOVERNMENT,
INDUSTRIES (MMD1) DEPARTMENT,
GOVT OF TAMILNADU, FORT ST.GEORGE,
CHENNAI-9.

3 THE COMMISSIONER OF GEOLOGY AND MINING,
GUINDY, CHENNAI-32.

... RESPONDENTS 2 & 3/
RESPONDENTS 1 & 2

Prayer in WA(MD) No.1376 of 2017:

Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 21/04/2017 in WP(MD).No.4690 of 2017.

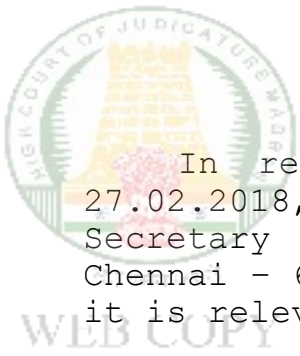
PRAYER IN WP(MD) . No.4690 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 3rd respondent to grant the transport permits to the petitioner as conveyed vide its letter dt.MK/HRM-LEG/2017 dated 23.01.2017 in respect of the Mining Leases in G.O.Ms.1114 dated 12.08.1981 and G.O.3(D) 6 dated 28.01.2000.

ORDER : This Writ Appeal is coming on for orders on this day upon perusing the grounds of Appeal as earlier order of this Court and upon hearing the arguments of Mr.B.PUGALENDHI, Additional Advocate General, Assisted by Mr.A.K.BASKARA PANDIAN, Additional Government Pleader for Appellant and the Respondent not appeared either in person or by an Advocate, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

(Order of the Court was made by M.SATHYANARAYANAN, J)



In response to the order of the interim direction, dated 27.02.2018, with regard to the price of the quarried sand, the Under Secretary to Government, Public Works Department, Secretariat, Chennai - 600 009, has filed the status report, dated 21.03.2018 and it is relevant to extract paragraph Nos.7 to 9:-

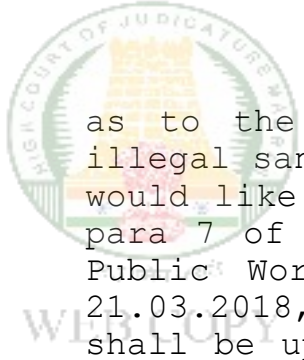
"7.It is respectfully submitted that the above price is prevailing since 2013. The cost of sand has been fixed by the State Government at the rate of Rs.400/- per 100 cft/unit. At present, the loading charges have been fixed at Rs.120/- per 100 cft and GST for sand at the rate of 5% amounts to Rs.20/- per 100 cft. Thus, the total cost of sand per 100 cft/2.83 m³ /1 unit amounts to Rs.540/- (Rs.400+120+20) at the quarry. At present, there are four locations from where sand is sold directly from the quarries and in a few locations, sand is sold from the depots. Presently, sand is sold from the depots at Sakkaramallur and Poigai depots. The depot rate would also factor in the lead charges on transporting the sand from the quarry to the depot and other depot maintenance charges. In Poigai and Sakkramallur, the total cost of sand at the depot is Rs.1,193/- and Rs.1,200/- per 100 cft respectively.

8.It is respectfully submitted that the Public Works Department sells to the public directly from the quarry/depot. The Public Works Department has introduced an online model of sand sales from July 2017. A website, 'www.tnsand.in' and a mobile application, 'TN sand' was launched to facilitate the sale of sand from the quarries/depots. Using this online portal, the public may enter details of the vehicle registered with 'TN sand' and make payment online, after which a booking is confirmed. The booking follows a queue system and when the scheduled turn for the booking is reached, SMS/e-mail is sent 30 hours before, to come to the quarry/depot to pick their load of sand. Similarly, the transporters can also make a booking using this web application.

9.It is respectfully submitted that the transporters take delivery of sand in their vehicles from the respective quarries/depots to transport it to the consumer. The consumers get sand from the transporters by paying the price fixed by them."

2.It is also brought to the knowledge of this Court that on account of the order, dated 21.04.2017 made in W.P(MD)No.4690 of 2017, which has been confirmed, vide Judgment, dated 07.12.2017 made in W.A(MD)No.1376 of 2017, **the District Collector, Kanyakumari District, Nagercoil Vs. M/s.Indian Rare Earths Limited**, sand quarries have been closed and however, in the Special Leave Petition preferred against the said Judgment, the Honourable Supreme Court of India has also granted stay and also pointed out that new quarries shall be opened and as and when such an exercise is carried out, the price of the sand is likely to be come down.

3.This Court wants a proper and correct mechanism put in place



as to the sale of the sand; its price and also to ensure that illegal sand quarrying is not taking place on account of the demand, would like to keep the matter pending. In the light of averment in para 7 of the status report of the Under Secretary to Government, Public Works Department, Secretariat, Chennai - 600 009, dated 21.03.2018, the price of the sand per unit and other particulars, shall be uploaded in "www.tnsand.in" and a screen shot of the same shall be submitted on the next date of hearing.

4.Call on 24.04.2018.

sd/-
23/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT,
NAGERCOIL-629 001.
- 2 THE SECRETARY TO GOVERNMENT,
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CHENNAI-9.
- 3 THE COMMISSIONER OF GEOLOGY AND MINING,
GUINDY, CHENNAI-32.
- 4 THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
SECRETARIAT, CHENNAI - 600 009

+1. C.C. to SPL GOVT PLEADER Advocate SR.No.4767

ps
JAM/02/04/2018/ CM-VR / SAR 1 / 3p-6c

ORDER
IN
WA(MD) No.1376 of 2017
Date :23/03/2018