



WEB COPY

W.P(MD)No.10700 of 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**RESERVED ON : 29.08.2019**

**PRONOUNCED ON : 28.11.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**

**and**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.10700 of 2017**

A.Irulandi,  
Secretary,  
Social Justice Forum,  
(Reg.No.8 of 2013),  
Plot No.16, Annai Illam,  
K.K.Nagar,Madurai - 625 020.

... Petitioner

Vs.

- 1.The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai - 600 009.
- 2.The Additional Chief Secretary,  
Environment and Forest Secretariat,  
Chennai - 600 009.
- 3.The Principal Secretary to  
Government Industries Department,  
Secretariat, Chennai - 600 009.
- 4.The Principal Secretary,  
Public Works Department,  
Secretariat, Chennai - 600 009.
- 5.The Principal Secretary,  
Revenue Department,  
Secretariat,  
Chennai.

- 6.T.Shanmugam, ..... Respondents  
[ R-6 has been impleaded vide order dated  
03.08.2017 in WMP(MD)No.10135 of 2017] ]



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take suitable steps to ban the river sand quarrying in Tamil Nadu rivers both by the Government as well as by the private Contractors.

For Petitioner : Mr.N.S.Ponnaiah  
For Respondent : Mr.K.Chellapandian,  
Nos.1 - 5 Additional Advocate General,  
assisted by  
Mr.A.K.Baskarapandian  
Special Government Pleader  
For Respondent  
No.6 : Mr.R.Gokul

**ORDER**

(Order of the Court was made by **B.PUGALENDHI, J.**)

Social Justice Forum, a voluntary organisation through its Secretary has filed this writ petition for a writ of mandamus, directing the respondents to take suitable steps to ban river sand quarry in Tamil Nadu rivers both by the Government as well as private contractors.

2.This writ petition is filed in a haphazard manner without verifying the relevant provisions and the developments took place on the sand quarry and it is filed relying upon G.O.Ms.No.95 Industries Department, dated 01.10.2003. vide the said G.O. Rule 38(A) was introduced in the Tamil Nadu Minor Mineral Concession Rules, 1959 by way of an amendment.

3.It is relevant to extract Rule 38(A) of the Minor Minerals Concession Rules, 1959 and the same is extracted hereunder:

"Quarrying of sand by the State Government - Notwithstanding anything contained in these rules, or any order made or action taken thereunder or any judgement or decree or order of any Court, all existing leases for quarrying sand in Government lands and permissions/ leases granted in ryotwari lands shall cease to be effective on and from the date of coming into force of this rule and the right to exploit sand in the State shall vest with the State Government to the exclusion of others."

4.In view of the above amendment, sand quarrying operation in rivers are restricted with regard to the private individuals. However, the prayer in this writ petition is for preventing the sand quarry operation both by the Government as well as private contractors.



5.By Rule 38(A) of the Minor Minerals Concession Rules, 1959, the Government alone is permitted to quarry the sand in Tamil Nadu from the year 2003. The vires of Rule 38(A) of the Minor Minerals Concession Rules, 1959 was also challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court by its order dated 24.03.2006 upheld Rule 38(A) of the Minor Minerals Concession Rules, 1959, which vests the exclusive right to quarry the sand, in the State of Tamil Nadu in **State of Tamil Nadu and another Vs P.Krishnamurthy and others**, reported in **[2006] 4 SCC 517**.

6.In view of Rule 38(A) of the Minor Minerals Concession Rules, 1959 and as per the decision of the Hon'ble Supreme Court in **State of Tamil Nadu and another Vs P.Krishnamurthy and others**, this writ petition is dismissed as devoid of merits. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

- 1.The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.
- 2.The Additional Chief Secretary,  
Environment and Forest Secretariat,  
Chennai - 600 009.
- 3.The Principal Secretary to  
Government Industries Department,  
Secretariat, Chennai - 600 009.
- 4.The Principal Secretary,  
Public Works Department,  
Secretariat, Chennai - 600 009.
- 5.The Principal Secretary,  
Revenue Department, Secretariat,  
Chennai.

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**28.11.2019**

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