



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 21889 of 2021

and

WMP. No. 23092 of 2021

S. Vaikundarajan

.. Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Principal Secretary to Government,
Industries (MMD.1) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Tirunelveli District.
3. The District Collector,
Thoothukudi District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent herein to accede to the request made by the petitioner herein by way of his representation dated 24.09.2021.

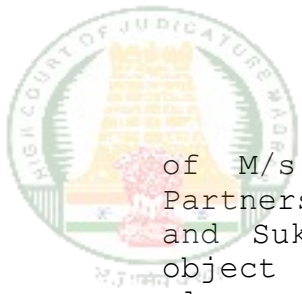
For Petitioner : Mr.Lakshmi Narayanan
for J.Kingsly Solomon

For Respondents : Mr.Stalin Abhimanyu,
Government Counsel

O R D E R

The present writ petition has been filed for issuance of Writ of Mandamus to direct the first respondent herein to accede to the request made by the petitioner herein by way of his representation dated 24.09.2021.

2. According to the petitioner, he is the Managing Partner



of M/s. V.V. Minerals, which was originally started as a Partnership firm along with his brothers Jagadeesan, Chandresan and Sukumar. The partnership firm was constituted with the object of dealing with extracting beach sand minerals available along with the beach stretches of Tirunelveli, Thoothukudi and Kanyakumari. During the course of business, semi processed mineral rich tailings and processed minerals were stored in several godowns independent as well as factory-attached godown in Tirunelveli, Thoothukudi and Kanyakumari Districts. While so, during the year 2002, the petitioner's brother Sukumar left the Partnership firm and he has been independently running his business. In the year 2011, the other brother of the petitioner by name Jagatheesan also left the partnership business. After seven years of leaving the partnership business, the petitioner's brother Jagatheesan made an unauthorised transfer of \$ 10 billion from an entity in Dubai to an entity in Singapore under the control of his younger brother which led to search and survey by the Income Tax Authorities. In this context, several litigations have been made before this Court by way of writ petitions.

3. The petitioner further averred that the District Collector, Tirunelveli, sent a letter alleging that illegal transportation of beach sand minerals and it resulted in the Government issuing G.O. Ms. No.246 dated 20.09.2021 framing certain guidelines including inspection of the godowns or opening the sealing of godowns to take stock of the materials and to remove them. On the basis of the order passed by the Government, three committees were constituted for the purpose of inspecting the godowns situated at Tirunelveli, Thoothukudi and Kanniyakumari Districts. The petitioner apprehends that under the guise of inspection, the respondents will nullify the orders which he had obtained with respect to imported ilmenite. Therefore, stating that such action initiated by the first respondent to carry out the inspections and to remove the materials by even breaking open the seal of the godowns is contrary to Section 24 of the Mines and Mineral (Development and Regulation) Act, the petitioner has submitted a representation on 24.09.2021 to the respondents 1 to 3 to furnish the details of places or godowns which have been sealed and to permit the petitioner or his authorised representative to be present with permission to videograph the entire proceedings. The petitioner also wanted to ensure that if a godown was not already sealed by the Sahoo Committee constituted for this purpose earlier, such godowns must not be sealed again. Since the respondents did not take note of the plea made in his representation dated 24.09.2021, the petitioner has filed the present writ petition for the aforesaid relief.

4. The learned counsel for the petitioner reiterated the



averments made in the writ petition and submitted that the first respondent may be directed to consider the representation of the petitioner, within a time frame to be stipulated by this court.

5. On the other hand, the learned Government Counsel appearing for the respondents draws the attention of this court to the representation of the petitioner dated 27.09.2021 enclosed at page 146 of the typed set of papers and submits that the same was received by the office of the first respondent only on 27.09.2021 and the petitioner, without providing reasonable time to the first respondent to pass appropriate orders on the said representation, rushed to this court with this writ petition on 30.09.2021 and hence, the writ petition cannot be maintainable.

6. Heard both sides and perused the materials placed before this court. Pursuant to the direction of this court, the third respondent filed a status report dated 30.10.2021, wherein, it is inter alia stated as follows:

"18. It is respectfully submitted that, as instructed by the Government in G.O.(MS) No.246, Industries (MMD.1) Department, dated 20.09.2021 this respondent have taken all necessary steps to install CCTV cameras wherein Beach sand Mineral stocks kept at various places of Thoothukudi District. In this regard, 103 cameras have been installed in all beach sand mineral stored / sealed godowns, separation plants and warehouses in Thoothukudi District. The Taluk level task force committee has been instructed to monitor the beach sand mineral stored and sealed premises to curfew the illegal transportation of beach sand minerals."

7. In the light of the above status report filed by the third respondent, this Court is of the view that no further orders are required to be passed in this writ petition except recording the same. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

av/rsh



To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Industries (MMD.1) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector,
Tirunelveli District.
3. The District Collector,
Thoothukudi District.

+1cc to Mr.V.Ramasubbu, Advocate, S.R.No.57081

+1cc to the Government Pleader, S.R.No.57167

W.P.No.21889 of 2021

GPL(CO)
SU(09/12/2021)