



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.44335 of 2016

and

W.M.P.Nos.38199 of 2016 and 4601 of 2020

M/s.Ramco Cement Ltd.

Formerly known as Madras Cements Ltd.

Rep. by its Authorised Signatory

Mr.T.Mathivanan - Deputy General Manager - Legal

Auras Corporate Centre, V floor,

98-A, Dr Radhakrishnan Salai, Mylapore,

Chennai - 600004.

...Petitioner

Vs.

1. Union of India

Rep by its Secretary, Ministry of Mines,

Shastri Bhavan

New Delhi 110 115.

2. State of Tamil Nadu

Rep by Secretary to Government,

Industries (MMA2) Department,

Secretariat, Fort St. George,

Chennai - 9.

3. Commissioner, Department of Geology and Mining

Thiru Vi Ka Industrial Estate

Guindy

Chennai 600 032.

4. The District Collector

Collectorate

Ariyalur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent and 3rd respondent to execute the Mining lease pursuant to the recommendation of the 2nd respondent Lr.No.3338/ MMA2/2011-2 dated 28.09.2012, letter dated 09.12.2015 from 2nd respondent to 3rd respondent and subsequent letter from 2nd respondent to 3rd respondent dated 01.09.2016, collectively the letter of Intent (LOI).



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For Petitioner : Mr.Rahul Balaji

For R1 : Mr.K.S.Jeyakumar Ganeshan
Senior Panel Counsel

For R2 to R4 : Mr.R.Shanmuga Sundaram
Advocate General
Assisted by
Mr.B.Vijay
Additional Government Pleader

ORDER

The writ on hand has been instituted for a direction to direct the respondents 2 and 3 to execute the Mining lease pursuant to the recommendation of the 2nd respondent dated 28.09.2012, letter dated 09.12.2015 from 2nd respondent to 3rd respondent and subsequent letter from 2nd respondent to 3rd respondent dated 01.09.2016, collectively the letter of Intent (LOI) and pass appropriate orders.

2.The learned counsel for the petitioner made a submission that the petitioner is a company manufacturing cement products, having plants at various places in the State of Tamil Nadu. It is contended that the Committee constituted to consider the application for grant for minning lease, submitted its report and the recommendation of the committee has been issued in proceedings dated 09.01.2017.

3. The Commissioner of Geology and Mining has stated that the mining lease granted shall be executed by the applicant in the format specified in Schedule VII and registered on or before 11.01.2017, failing which the right of such applicant under class (c) of sub-section (2) of Section 10A for grant of mining lease shall be forefeited and in such cases, it would not be mandatory for the State Government to issue any order in this regard.

4.Accordingly, the mining lease was executed on 11.01.2017. Thereafter, in proceedings dated 06.03.2017, approval for mining plan was granted by the Regional Controller of Mines/Indian Bureau of Mines, Chennai. Environmental clearance was also obtained from the State Environmental Impact Assessment Authority vide letter dated 07.02.2019, and pre-commencement report submitted by the Commissioner of Geology and Mining, Chennai was dated 09.04.2019. The consent to operate was obtained from Tamil Nadu Pollution Control Board in proceedings dated 18.12.2019, which all are relied upon by the petitioner to



establish their case that they shall be permitted to commence the mining operations.

5. The learned Advocate General appearing on behalf of the respondents has not disputed the proceedings relied upon by the petitioner in respect of the orders of the Commissioner of Geology and Mining dated 09.01.2017, execution of lease dated 11.01.2017, approval for the mining plan by Regional Controller of Mines/Indian Bureau of Mines dated 06.03.2017 and the other clearance certificates obtained from the State Environmental Impact Assessment Authority and Tamil Nadu Pollution Control Board. The learned Advocate General reiterated that based on all these documents, the authorities have to consider the claim of the petitioner company.

6. This Court is of the considered opinion that the parties to the lis on hand have arrived consensus with reference to the documents relied on between them. Thus, a finality is to be reached for the purpose of commencement of mining operations in the manner known to law. In view of the fact that the processes completed are agreed between the parties, it is for the authorities and the petitioner to proceed further in accordance with law in the event of no other impediment whatsoever.

7. This being the factum established, no further consideration needs to be undertaken in respect of the grounds raised in the present writ petition and the respondents shall proceed further, in consonance with the provisions of the Act and Rules. The petitioner is also at liberty to approach the authorities competent for further clearance if any required in accordance with law.

8. With this liberty, the Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

Jeni/Cse



To

1. The Secretary,
Ministry of Mines,
Union of India
Shastri Bhavan
New Delhi 110 115.

2. The Secretary to Government,
State of Tamil Nadu
Industries (MMA2) Department,
Secretariat, Fort St. George,
Chennai - 9.

3. The Commissioner,
Department of Geology and Mining
Thiru Vi Ka Industrial Estate
Guindy
Chennai 600 032.

4. The District Collector
Collectorate
Ariyalur.

+1cc to Mr.K.S.Jeyaganeshan, Advocate and Senior Panel Counsel,
S.R.No.6391

+1cc to the Government Pleader, S.R.No.6480

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.5974

W.P.No.44335 of 2016

PL(CO)
RGA(17/02/2022)