



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.[MD]No.12269 of 2022

and

W.M.P.(MD) No.8717 of 2022

K.Ravi Arunan, Ex.MLA.,

....Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. by its Secretary and Commissioner,
Industries and Mines Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Geology and Mining,
Guindy, Chennai - 600 032.
- 3.The Assistant Director of Geology and Mining,
Tenkasi, Tenkasi District.
- 4.The District Collector,
Tirunelveli District,
Tirunelveli.
- 5.The District Collector
Tenkasi District, Tenkasi.
- 6.The Superintendent of Police,
Tenkasi.
- 7.The Officer in Charge of Check Post,
Puliyarai, Senkottai Taluk,
Tenkasi District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents herein to stop the illegal export of any minor minerals in any form from the State of Tamil Nadu to the State of Kerala, contrary to Rule 38B of Tamil Nadu Minor Minerals Concession Rules, 1959.

For Petitioner
For Respondents

: Mr.T.S.R.Venkatramana
: Mr.P.Thilak Kumar,
Government Pleader



O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

Alleging that there is a wholesale transport of Minor Minerals illegally from the State of Tamil Nadu to the State of Kerala in violation of Rule 38-B of Tamil Nadu Minor Minerals Concession Rules, 1959, the present Public Interest Litigation has been filed for a direction to the respondents to stop the same.

2. Heard Mr.T.S.R.Venkatramana, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents.

3. Mr.T.S.R.Venkatramana, learned counsel appearing for the petitioner contended that there is a chequered history for Rule 38-B, in that, the said Rule was incorporated pursuant to an order passed by a Division Bench of this Court. It is his further allegation that when he made a representation to the authorities in connection with the said illegal trafficking of Minor Minerals to Kerala State, the authorities had given a reply to him stating that Rule 38-B of Tamil Nadu Minor Minerals Concession Rules, 1959, would not be a bar for such a transport inasmuch as Rule 38-B deals only with sand.

4. Rules 38-A and 38-B of Tamil Nadu Minor Minerals Concession Rules, 1959, read as under :

38-A Quarrying of sand by the State Government.- Notwithstanding anything contained in these rules, or any order made or action taken thereunder or any judgment 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. The proportionate lease amount for the unexpired period of the lease and the unadjusted seigniorage fee, if any, will be refunded.

38-B Transport of sand outside the State not to be made.- No transport of sand covered under Rule 38-A of these Rules shall be made across the border to other States.

5. Mr.T.S.R.Venkatramana, learned counsel appearing for the petitioner contended that the expression 'sand' should have to be given an extended meaning so as to include other Minor Minerals also as Kerala is exploiting the resources of Tamil Nadu, though they have enough Minor Minerals for making M.Sand.



6. In the reply given by the authorities, it is clearly stated that action is being taken against individuals, who are involved in such illegal trafficking.

7. A mere perusal of Rule 38-B would show that it relates to sand and the request of Mr.T.S.R.Venkatramana, learned counsel for the petitioner to extend the meaning of 'sand' to other Minor Minerals cannot be countenanced as this Court cannot go beyond the meaning of a word in a statute. The export of Minor Minerals between two States, namely, Tamil Nadu and Kerala is a policy matter, over which, this Court cannot have any jurisdiction.

8. In such view of the matter, we find no merit in this writ petition.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RM

To

1.The Secretary and Commissioner,
Government of Tamilnadu
Industries and Mines Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Geology and Mining,
Guindy,
Chennai - 600 032.

3.The Assistant Director of Geology and Mining,
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4.The District Collector,
Tirunelveli District,
Tirunelveli.

5.The District Collector
Tenkasi District,
Tenkasi.



6.The Superintendent of Police,
Tenkasi.

7.The Officer in Charge of Check Post,
Puliyarai,
Senkottai Taluk,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-26790[F] dated 20/06/2022)

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-26935[F] dated
20/06/2022)

ORDER MADE IN
W.P. [MD]No.12269 of 2022
17.06.2022

KS (CO)
TR(28.06.2022) 4P 10C