



W.P.No.22782 of 2013 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

**W.P.Nos.22782, 22783, 22784, 22785, 22786, 22864, 22865,
22866, 22867, 22868, 22869, 22870, 22871, 22872, 22873,
22874, 22875, 22876, 22877, 22878, 22879, 22880, 22881,
22882, 22883, 22884, 22885, 22886, 22887 and 30805 of 2013
and**

**M.P.No.1 of 2013 in W.P.No.22864 of 2013
M.P.No.1 of 2013 in W.P.No.22865 of 2013
M.P.No.1 of 2013 in W.P.No.22866 of 2013
M.P.No.1 of 2013 in W.P.No.22867 of 2013
M.P.No.1 of 2013 in W.P.No.22868 of 2013
M.P.No.1 of 2013 in W.P.No.22869 of 2013
M.P.No.1 of 2013 in W.P.No.22870 of 2013
M.P.No.1 of 2013 in W.P.No.22871 of 2013
M.P.No.1 of 2013 in W.P.No.22872 of 2013
M.P.No.1 of 2013 in W.P.No.22873 of 2013
M.P.No.1 of 2013 in W.P.No.22874 of 2013
M.P.No.1 of 2013 in W.P.No.22875 of 2013
M.P.No.1 of 2013 in W.P.No.22876 of 2013
M.P.No.1 of 2013 in W.P.No.22877 of 2013
M.P.No.1 of 2013 in W.P.No.22878 of 2013
M.P.No.1 of 2013 in W.P.No.22879 of 2013
M.P.No.1 of 2013 in W.P.No.22880 of 2013
M.P.No.1 of 2013 in W.P.No.22881 of 2013
M.P.No.1 of 2013 in W.P.No.22882 of 2013
M.P.No.1 of 2013 in W.P.No.22883 of 2013
M.P.No.1 of 2013 in W.P.No.22884 of 2013
M.P.No.1 of 2013 in W.P.No.22885 of 2013**



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M.P.No.1 of 2013 in W.P.No.22886 of 2013
M.P.No.1 of 2013 in W.P.No.22887 of 2013
and
M.P.No.1 of 2013 in W.P.No.30805 of 2013

Hi-Tech Rock Products & Aggregates
Limited rep. By Shri B.Ramakrishnan,
Director,
P.O.Box No.979, Mount Poonamallee Road,
Manapakkam, Chennai – 600 089.

.. Petitioner in
W.P.Nos.22782
to 22786 of 2013

Larsen and Toubro Limited
rep. By its Authorised Signatory
Mr.S.Shriraman,
P.O. Box No.979, Mount Poonamallee Road,
Chennai – 600 089.

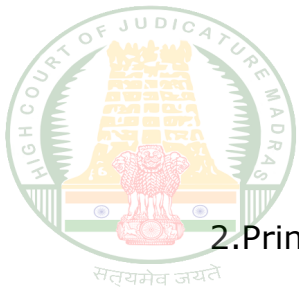
.. Petitioner in
W.P.Nos.22864 to
22887 of 2013

M/s.Transtonnelstroy Afcons J.V.
Rep. by Mr.D.Murugadasan,
Afcons House,
16, Shah Industrial Estate,
Veera Desai Road, Andheri (W),
Mumbai – 400 053.

.. Petitioner in
W.P.No.30805 of
2013

Vs.

1.State of Tamil Nadu
rep. By Additional Chief Secretary to
Govt. of T.N.,
Industries (MMC2) Department,
Fort St, George, Chennai – 600 009.



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2.Principal Secretary to Government of
Tamil Nadu,
Industries (MMC2) Department,
Fort St, George, Chennai – 600 009.

3.The Collector,
Vellore District,
Vellore – 632 004.

... Respondents in
W.P.Nos.22782 to
22786 and 22864
to 22887 of 2013

1.The State of Tamil Nadu rep. By
its Additional Chief Secretary to Government,
Industries (MMC2) Department,
Fort St. George, Chennai – 600 009.

2.The Principal Secretary to Govt. of
Tamil Nadu,
Industries (MMC2) Department,
Fort St. George, Chennai – 600 009.

3.The District Collector,
Kancheepuram District,
Kancheepuram.

4.Chennai Metrorail Corporation Limited
rep. By its Managing Director,
"Harini Towers",
No.7, Conron Smith Road,
Gopalapuram, Chennai – 600 086.

.. Respondents in
W.P.No.30805 of
2013

Prayer in W.P.No.22782 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration to declare Rule 7 (as amended) of the Tamil Nadu Minor Mineral Concession Rules, 1959 as being ultra vires S.15 of the Mines



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and Minerals (Development and Regulation) Act, 1957 and violative of, among others Articles 14, 19 and 300-A of the Constitution of India and thereby as being null and void.

Prayer in W.P.Nos.22783 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration declaring G.O.(D) No.89 dated 02 July 2013 issued by the second respondent as being ultra vires Rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and S.15 of the Mines and Minerals (Development and Regulation) Act, 1957 and violative of, among others Articles 14, 19 and 300-A of the Constitution of India and thereby as being null and void.

Prayer in W.P.No.22784 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 24 July 2013 issued for a sum of Rs.8,72,68,500/- and quash the same.

Prayer in W.P.No.22785 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 24 July 2013 issued for a sum of Rs.6,19,91,180/- and quash the same.



W.P.No.22782 of 2013 etc., batch

Prayer in W.P.No.22786 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 25 July 2013 issued for a sum of Rs.1,28,12,500/- and quash the same.

Prayer in W.P.No.22864 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration to declare Rule 7 (as amended) of the Tamil Nadu Minor Mineral Concession Rules, 1959 as being ultra vires S.15 of the Mines and Minerals (Development and Regulation) Act, 1957 and violative of, among others Articles 14, 19 and 300-A of the Constitution of India and thereby as being null and void.

Prayer in W.P.Nos.22865 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration declaring G.O.(D) No.89 dated 02 July 2013 issued by the second respondent as being ultra vires Rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and S.15 of the Mines and Minerals (Development and Regulation) Act, 1957 and violative of, among others Articles 14, 19 and 300-A of the Constitution of India and thereby as being null and void.

Prayer in W.P.No.22866 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of



W.P.No.22782 of 2013 etc., batch

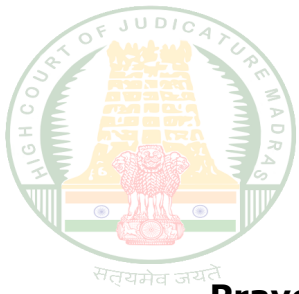
Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 17 July 2013 issued for a sum of Rs.32,40,000/- and quash the same.

Prayer in W.P.No.22867 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 17 July 2013 issued for a sum of Rs.20,25,000/- and quash the same.

Prayer in W.P.No.22868 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 17 July 2013 issued for a sum of Rs.36,45,000/- and quash the same.

Prayer in W.P.No.22869 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 17 July 2013 issued for a sum of Rs.32,40,000/- and quash the same.

Prayer in W.P.No.22870 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 18 July 2013 issued for a sum of Rs.29,64,600/- and quash the same.



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Prayer in W.P.No.22871 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 18 July 2013 issued for a sum of Rs.40,50,000/- and quash the same.

Prayer in W.P.No.22872 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 18 July 2013 issued for a sum of Rs.72,90,000/- and quash the same.

Prayer in W.P.No.22873 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 19 July 2013 issued for a sum of Rs.33,43,680/- and quash the same.

Prayer in W.P.No.22874 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 19 July 2013 issued for a sum of Rs.36,61,200/- and quash the same.

Prayer in W.P.No.22875 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of



W.P.No.22782 of 2013 etc., batch

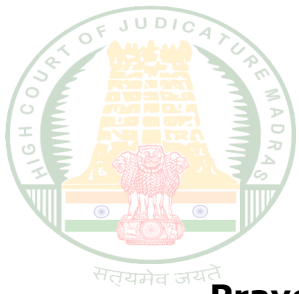
Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 19 July 2013 issued for a sum of Rs.16,36,200/- and quash the same.

Prayer in W.P.No.22876 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 19 July 2013 issued for a sum of Rs.20,25,000/- and quash the same.

Prayer in W.P.No.22877 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 19 July 2013 issued for a sum of Rs.24,30,000/- and quash the same.

Prayer in W.P.No.22878 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 22 July 2013 issued for a sum of Rs.9,72,000/- and quash the same.

Prayer in W.P.No.22879 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 22 July 2013 issued for a sum of Rs.5,83,200/- and quash the same.



W.P.No.22782 of 2013 etc., batch

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Prayer in W.P.No.22880 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 22 July 2013 issued for a sum of Rs.40,50,000/- and quash the same.

Prayer in W.P.No.22881 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 24 July 2013 issued for a sum of Rs.33,19,380/- and quash the same.

Prayer in W.P.No.22882 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated 23 July 2013 issued for a sum of Rs.40,50,000/- and quash the same.

Prayer in W.P.No.22883 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated Nil July 2013 issued for a sum of Rs.24,30,000/- and quash the same.

Prayer in W.P.No.22884 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of



W.P.No.22782 of 2013 etc., batch

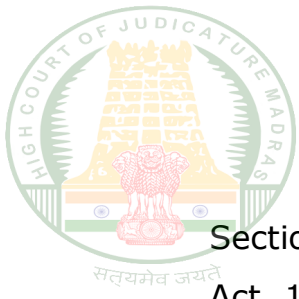
Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated Nil July 2013 issued for a sum of Rs.40,09,500/- and quash the same.

Prayer in W.P.No.22885 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated Nil July 2013 issued for a sum of Rs.32,40,000/- and quash the same.

Prayer in W.P.No.22886 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated Nil July 2013 issued for a sum of Rs.72,90,000/- and quash the same.

Prayer in W.P.No.22887 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the order cum demand notice of the third respondent bearing Rc.No.651/2013 (Mines) dated Nil July 2013 issued for a sum of Rs.46,65,600/- and quash the same.

Prayer in W.P.No.30805 of 2013: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Declaration declaring that the amendment and substitution of Rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959 by G.O.Ms.No.168, Industries (MMC-2) dated 18.09.2012 is ultra vires of



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Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 and violative of Articles 14, 19 and 300-A of the Constitution of India.

For Petitioner : Mr.Satish Parasaran,
Senior Counsel
for Mr.P.R.Renganath
in W.P.Nos.22782 to 22786
and 22864 to 22887 of 2013

Mr.D.Balaraman
in W.P.No.30805 of 2013

For Respondents : Mr.P.S.Raman,
Advocate General
assisted by
Mr.E.Vijay Anand,
Additional Government Pleader
for R1 to R3 in all WPs
Mr.Kishore Balasubramanian
for R4 in W.P.No.30805 of 2013

COMMON ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Mr.P.S.Raman, learned Advocate General of State of Tamil Nadu for respondents and Mr.Satish Parasaran, learned senior counsel instructed by Mr.P.R.Renganath, learned counsel on record for writ petitioners in W.P.Nos.22782 to 22786 and 22864 to 22887 of 2013 are before us in physical Court. Mr.D.Balaraman, learned counsel on



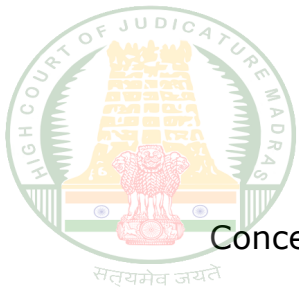
W.P.No.22782 of 2013 etc., batch

record for writ petitioner in one of the captioned 'Writ Petitions' (hereinafter 'WPs' for the sake of brevity) viz., W.P.No.30805 of 2013 is before us on VC (Video Conferencing) platform. Likewise, Mr.Kishore Balasubramanian, learned counsel for R4 in the same writ petition (W.P.No.30805 of 2013) is also before us on VC (Video Conferencing) platform. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court.

2. Learned Advocate General, learned senior counsel Mr.Satish Parasaran and Mr.D.Balaraman, learned counsel make submissions in unison in one voice and the common submissions broadly are as follows:

2.1 There are two writ petitioners viz., Hi-Tech Rock Products & Aggregates Limited and Larsen and Toubro Limited in the captioned matters. To be noted Transtonnelstroy Afcons J.V. is the writ petitioner in W.P. No.30805 of 2013;

2.2 Captioned WPs fall in three categories. Category I is WPs which seek declaration qua Rule 7 of the 'Tamil Nadu Minor Mineral



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Concession Rules, 1959' (hereinafter 'said Rules' for the sake of convenience and clarity) as regards cost of mineral and these WPs are as follows:

Sl.No.	W.P.No.
1	22782 of 2013
2	22864 of 2013
3	30805 of 2013

2.3 II category of WPs is those which assail G.O.(D) No.89 dated 02.07.2013 and those WPs are as follows:

Sl.No.	W.P.No.
1	22783 of 2013
2	22865 of 2013

2.4 III category of WPs is those which assail individual demands on the writ petitioner qua cost of mineral and those WPs are as follows:

Sl.No.	W.P.No.
1	22784 of 2013
2	22785 of 2013



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Sl.No.	W.P.No.
3	22786 of 2013
4	22866 of 2013
5	22867 of 2013
6	22868 of 2013
7	22869 of 2013
8	22870 of 2013
9	22871 of 2013
10	22872 of 2013
11	22873 of 2013
12	22874 of 2013
13	22875 of 2013
14	22876 of 2013
15	22877 of 2013
16	22878 of 2013
17	22879 of 2013
18	22880 of 2013
19	22881 of 2013
20	22882 of 2013
21	22883 of 2013
22	22884 of 2013
23	22885 of 2013
24	22886 of 2013
25	22887 of 2013

2.5 As regards categories I and II, on instructions, Mr.Satish Parasaran, learned senior counsel for writ petitioners in W.P.Nos.22782 to 22786 and 22864 to 22887 of 2013 and Mr.D.Balaraman, learned



W.P.No.22782 of 2013 etc., batch

counsel for writ petitioner in W.P. No.30805 of 2013 submit that all the WPs are not pressed and the same may be closed as withdrawn but they make a plea to preserve all the rights and contentions of writ petitioners and/or any other similarly placed person/s to assail the same or similar provision if there is/are change of circumstances. This request is acceded to.

3. In the light of the above submissions, Category I WPs (W.P.Nos.22782, 22864 and 30805 of 2013) and Category II WPs (W.P.Nos.22783 and 22865 of 2013) are disposed of as withdrawn/closed *albeit* with preservation of rights of the writ petitioners and/or similarly placed person/s in the aforesaid manner. There shall be no order as to costs.

4. As regards Category III, it is submitted that the impugned amendment has been given retrospectivity and the reckoning anterior date is 01.04.2012 (though the impugned Government Order is dated 02.07.2013). Learned Advocate General makes a submission at the bar that all demands made for the period from 01.04.2012 to 31.03.2013 qua cost of mineral as regards the writ petitioners stand



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withdrawn. This submission made by the learned first law officer is recorded and made part of this order.

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5. As regards the payment on and from 01.04.2013, writ petitioners submit that they are withdrawing their challenge and they also add that the payments have been made in full. This submission that the payments on and from 01.04.2013 have been made in full by the writ petitioners before this Court, is confirmed (on instructions) by the learned Advocate General. This means that full satisfaction as regards payments for the period from 01.04.2013 qua writ petitioners is recorded.

6. Captioned WPs are disposed of in the aforesaid manner vide the instant common consent order. Consequently, captioned Miscellaneous Petitions (MPs) thereat stand closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
03.04.2025

Index : Yes / No
Neutral Citation : Yes/No
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W.P.No.22782 of 2013 etc., batch

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To

- 1.The Additional Chief Secretary to
Govt. of Tamil Nadu,
Industries (MMC2) Department,
Fort St, George, Chennai – 600 009.
- 2.The Principal Secretary to Government of
Tamil Nadu,
Industries (MMC2) Department,
Fort St, George, Chennai – 600 009.
- 3.The Collector,
Vellore District,
Vellore – 632 004.
- 4.The District Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Managing Director,
Chennai Metrorail Corporation Limited,
“Harini Towers”,
No.7, Conron Smith Road,
Gopalapuram, Chennai – 600 086.

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W.P.No.22782 of 2013 etc., batch

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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W.P.No.22782 of 2013 etc.,

03.04.2025

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