



W.P.Nos.8962 & 10688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 27.01.2025

PRONOUNCED ON : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Nos.8962 & 10688 of 2022

W.P.No.8962 of 2022:

M/s.Beach Mineral Company Private Limited,
Rep by Managing Director,
Mr.Harihara Mahadevan,
32-2, B.M.C House
Halls Road,
Egmore,
Chennai – 600 008.

... Petitioner

Vs.

1.Union of India,
Rep by its Secretary to Government,
Ministry of Mines,
Shastri Bhavan,
D-Wing, 3rd Floor,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.

2.The Secretary to Government,
Department of Atomic Energy India,
Arunsakthi Bhavan,
Chatrapathi Sivaji Maharaj Marg,
Mumbai – 400 001.



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3. The Joint Secretary,
Department of Atomic Energy India,
Arunsakthi Bhavan,
Chatrapathi Sivaji Maharaj Marg,
Mumbai – 400 001.
4. The State of Tamil Nadu,
Rep by its Secretary,
Industrial Department (MMD),
Fort.St.George, Secretariat, Chennai – 600 009.
5. The Additional Chief Secretary to the Government,
Industrial (MMD.1) Department
Fort.St.George, Secretariat, Chennai – 600 009.
6. The Regional Controller of Mines,
Indian Bureau of Mines (Chennai Region),
Rajaji Bhavan,
C-4A, C.G.O. Complex,
Besant Nagar,
Chennai – 600 090.
7. The Commissioner of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.
8. The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 5th respondent's order dated 25.11.2021 comprised in G.O.(Ms).No.318, Industries (MMD.2) Department to quash the same and to consequently allow the petitioner company to continue to carry on with the mining activities, as per the Registered Lease dated 05.08.2004 registered as



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Document No.1098 of 2004 in office of the Sub Registrar, Thisayanvilai.

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For Petitioner : Mr.Puhazh Gandhi
For Respondents : Mr.Aravind P.Dattar, Senior Counsel
asst by Mr.B.Vijay, (for R4,5,7&8)
Additional Government Pleader

W.P.No.10688 of 2022:

K.Thangaraj

... Petitioner

Vs.

1.Union of India,
Rep by its Secretary to Government,
Ministry of Mines,
Shastri Bhavan,
D-Wing, 3rd Floor,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.

2.The Secretary to Government,
Department of Atomic Energy,
Government of India,
Anusakthi Bhavan,
Chatrapathi Sivaji Maharaj Marg,
Mumbai – 400 001.

3.The State of Tamil Nadu,
Rep by Additional Chief Secretary to the Government,
Industries Department,
Fort St.George,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records of the 3rd respondent relating to G.O.Ms.No.10, Industries (MMD.2) Department, dated 20.01.2022, quash the same.



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For Petitioner : Mr.V.Sanjeevi
For Respondents : Mr.Aravind P.Dattar, Senior Counsel
asst by Mr.B.Vijay,
Additional Government Pleader (for R3)

COMMON ORDER

S.M.SUBRAMANIAM, J.

The above Writ Petitions have been instituted challenging the Pre-mature termination of Mining leases granted in Tirunelveli, Thoothukudi and Kanniyakumari Districts.

2. The learned counsel for the Beach Minerals Sands Company and Beach Mineral Company Private Limited contended that they have filed Writ petitions before the High Court of Andhra Pradesh, challenging the amendment made to Schedule A of AMCR, 2016 Vide GSR 134(E) dated 20.02.2019, and obtained status quo orders.

3. The Central Government by the notification SO. No. 2356(E) dated 11.07.2016 made amendment to Part B, Atomic Minerals in the First Schedule of the Act by adding Beach Sand Minerals i.e., economic heavy minerals found in the teri or beach sands which include Ilmenite, Rutile, Leucoxene, Garnet, Monazite, Zircon and Sillimanite. The Schedule A of AMCR 2016, prescribes



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particulars of threshold value for atomic minerals. The Threshold value was prescribed as 0.75% Monazite in total heavy minerals.

4. The Central Government amended AMCR 2016 vide GSR 134(E) dated 20.02.2019 and the Schedule A was amended and as per the amendment, the threshold values for Beach Sand Minerals occurring in Beach and other placed deposits in association with Monazite are notified as above threshold. (i.e. the threshold is 0.00% monazite in total heavy minerals) irrespective of monazite grade.

5. The Central Government by the Order dated 01.03.2019, ordered that it is expedient in the interest of regulation of mines and mineral development and conservation of mineral resources to pre-maturely terminate all the existing mineral concessions of BSM held by private persons/companies in the country and directed the State Government to take necessary action as per the provision of 4A(1) and 4A(3) of the MMDR Act, 1957. It is to be pointed out that none of the private Respondents have chosen to challenge the aforementioned directives of the Central Government to prematurely terminate the mining lease. The Writ Petitioners have challenged the consequential termination action initiated by the State Government without challenging the fundamental Order



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of the Central Government directive for the termination of lease. Hence, the

Writ Petitions are not maintainable without there being a challenge to amendment to AMCR, 2016 and Central Government directives.

6. Pursuant to the directions issued by the Central Government, show cause notices were issued by the Government to the private respondents and after providing them with a reasonable opportunity to be heard, the Government passed orders prematurely terminating the mining leases granted in favour of the respondents.

7. The status Quo order obtained from the Hon'ble High Court of Andhra Pradesh, is not applicable to the case of the petitioners, as the petitioners have not filed any Writ petitions before the High Court of Madras as well as before the Madurai Bench of the High Court, challenging the amendment made to the Atomic Minerals Concession Rules 2016.

8. Apart from that, none of the private respondents have filed Writ petitions, challenging the directions issued by the Central Government vide Order dated 01.03.2019, directing the State Governments to take necessary actions as per the provisions of section 4A(1) and 4A(3) of the MMDR Act



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9. The issues relating to premature termination of mining lease are elaborately discussed by this Court and final order has been passed in the *Suo Motu* W.P.No.1592 of 2015. In view of the said findings, the Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions, if any, stand closed. No costs.

[S.M.S., J.]

[M.J.R., J.]

17.02.2025

Index: Yes/No

Speaking/Non-speaking order

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Pre-delivery order made in
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