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WP No. 31292 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 31292 of 2022

1. M/s.Kaveri Mudhali Mines, Minerals
and Chemicals

Rep. by its Proprietor, G.Manoharan,
Eachambadi road, Morappur 635 305,
Dharmapuri District

Petitioner(s)

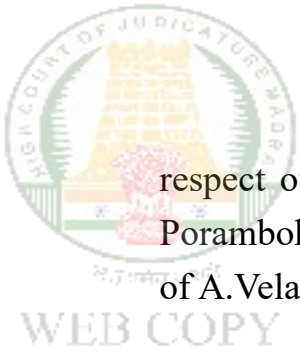
Vs

1. State of Tamil Nadu
rep. by its Additional Chief Secretary to
Government, Industries Department,
Secretariat, Chennai 09

2.The District Collector
Dharmapuri District, Dharmapuri

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Government order in G.O (Ms) No.50 Industries (MMA.2) Department dated 14.05.2018 on the file of the 1st respondent and quash the same and direct the respondents to permit the petitioner to commence the mining operation in



respect of White Quartz in S.F.No.6, 15 & 16 to the extent of 36.85 acres in Porambokke Land and S.F.No.4 & 17/1 to the extent of 6.02 acres in patta land of A.Velampatti Village, Harur Taluk, Dharmapuri District.

For Petitioner(s): Mr.P.M.Subramaniam
For Mr.V.Elangovan

For Respondent(s): Mr.Vijay Anand, Additional
Government Pleader

ORDER

This writ petition has been filed, challenging the Government order in G.O (Ms) No.50 Industries (MMA.2) Department dated 14.05.2018, issued by the 1st respondent, and seeking a direction to the respondents to permit the petitioner to commence mining operation in respect of White Quartz in S.F.No.6, 15 & 16 measuring an extent of 36.85 acres in Poramboke Land and S.F.No.4 & 17/1 measuring an extent of 6.02 acres in patta land of A.Velampatti Village, Harur Taluk, Dharmapuri District.

2.The learned counsel for the petitioner submitted that the petitioner had filed an application before the 1st respondent, through the 2nd respondent on 21.06.1985, for the grant of a mining lease to mine White Quartz from the



Government *Poramboke* Land bearing S.F. No.6, 15, & 16 to an extent of 36.85 acres and 6.02 acres in Patta Land in S.F.No.4 & 17/1, of A.Velampatti Village, Harur Taluk, Dharmapuri District for a period of 20 years. However, after 12 years, the 1st respondent vide G.O. (3D) No.99, Industries (MMA.2) Department dated 27.06.1997 sanctioned the mining lease to mine White Quartz for a period of 20 years subject to the on condition that the applicant should obtain environmental clearance from the Ministry of Environment and Forest, Government of India before the execution of the lease deed and commencement of mining operation. As per the direction of the 1st respondent, the petitioner made an application to the Ministry of Environment for Environmental Clearance. After 5 years, the said Ministry accorded the Environmental Clearance on 11.03.2002 for an annual production of 80 TDP (ROM) by open cast manual in the lease area of 42.87 acres. Thereafter, the lease deed was executed in Form K between the petitioner and the 2nd respondent on 01.04.2002. However, the Ministry of Environment Forest, Government of India in its letter dated 11.03.2002, directed the petitioner to obtain revised consent order from the Tamil Nadu Pollution Control Board before commencing



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Mining operation, since TNPCB has granted NOC for 3000 TPA where as at the rate of 30 TPD the annual production is around 10000 TPA. Hence the application was preferred before the Tamil Nadu Pollution Board by the petitioner to issue revised consent orders for the mining operation. The Tamil Nadu Pollution Control Board on 13.04.2002, issued the Consent to Establish and Consent to Operate, imposing the usual conditions. However, the petitioner was not able to operate the quarry due to the delay caused by the respondent authorities. Therefore, the petitioner made a request to the respondents on 23.03.2004, narrating all the above facts and requesting extension of time for commencing mining operation. However, the same was rejected by the original authority and upheld upto the Government, on the ground that the Government of India, Ministry of Mines, in their Notification S.O. No.423E, dated 10.02.2015 have declared 31 major minerals as minor minerals. However, the Ministry of Mines Notification vide S.O.924 (E) dated 20.02.2025 has omitted Quartz from the list of minor mineral. Hence, as per the said recent notification of Ministry of Mines, the Quartz is now classified as a major mineral. Therefore, the 1st and 2nd respondents were inclined to grant a lease in favour of



the petitioner's patta land. However, in respect of Government *poramboke* land, the lease can be granted only by way of public auction in terms of Rule 43(4)(i).

Hence, this Court may grant liberty to the petitioner to approach appropriate authority for mining white Quartz in the manner known to law.

3. Recording the above submissions, this writ petition stands closed.

However, liberty is granted to the petitioner to participate in the public auction in respect of the Government land. Since the white Quartz has now been declared as a major mineral, the State Government has no power to issue a license in favour of the petitioner. In view of the subsequent development, the petitioner is at liberty to approach the competent authority for grant of a mining lease, for mining white Quartz, in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

24-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Additional Chief Secretary to
Government, Industries Department,
Secretariat, Chennai 09

2. The District Collector
Dharmapuri District, Dharmapuri



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