



W.P.(MD).Nos.512 of 2017 batch

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.(MD).Nos.512, 513, 573, 574, 6299, 6301, 6679 and 6680 of 2017

M/s.Beach Mineral Company Private Limited,
Rep by Managing Director,
Mr.Harihara Mahadevan,
31-2, Halls Road,
Egmore,
Chennai – 600 008,
Tamil Nadu.

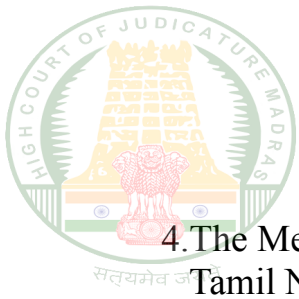
... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by The Chief Secretary of Government,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

3.The District Collector,
Collectorate,
Tirunelveli.



W.P.(MD).Nos.512 of 2017 batch

4. The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5. Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St. George,
Chennai – 600 009.

[R4 & 5 are impleaded vide order
dated 12.11.2021 in W.P.(MD).No.512 of 2017]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 3rd respondent in Order No.Rc.No.M3/40365/2015, dated 09.11.2016 and quash the same in respect of petitioner company.

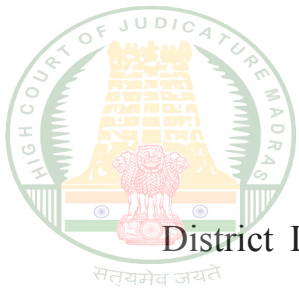
For Petitioner : Mr.Puhazh Gandhi
For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B. Vijay,
Additional Government Pleader (for R1-3&5)
Mr.B.N.Suchindran, Standing counsel (for R4)

COMMON ORDER

S.M.SUBRAMANIAM, J.

The above Writ Petitions have been instituted challenging the minutes/findings of the District Level Committee dated 09.11.2016.

2. The mining companies have mainly contended that in the event of setting aside G.O.Ms.No.179, dated 27.07.2015 constituting Taluk Level,



W.P.(MD).Nos.512 of 2017 batch

District Level and State Level Committee, the findings of the District Level

Committee dated 09.11.2016 will have no impact on the mining companies.

Further, it is stated that the decision taken by the District level committee to the effect that in view of the large scale violations of illegal mining and transport of Garnet, Ilmenite, Rutile, Zircon, Sillimanite and Leucoxene detected for the period from 2000-01 to 2015-16, any previously settled royalty accounts shall be construed as null and void, is unconstitutional, as the District level committee has not been delegated with such powers for arriving at such a conclusion.

3. The Government contended that, in the event of this Court holding that the constitution of three tier committee is within the powers of the State Government, the decision taken by the District Level Committee is valid. It is found that large scale violations were deducted in the production and transportation of Raw sand, and processed minerals namely Garnet, Ilmenite, Rutile, Zircon, Sillimanite and Leucoxene for the period 2008-09 to 2011-12. Excess quantum of minerals mined and transported by the mining companies over and above the quantity permitted for production in the approved mining plan/ scheme of mining shall be treated as unlawfully transported. The Assistant Commissioner Customs vide letter dated 05.10.2016 furnished the details of



W.P.(MD).Nos.512 of 2017 batch

quantum of BSMs exported by the private respondents particularly after the stopping of issuance of transport permits from 08.08.2013 to 10.09.2016. The mining companies have not disputed the mechanism arrived by the District level committee for estimating the quantum of minerals unlawfully mined and transported during the pre-ban period.

4. The issue relating to illegal mining, transportation and storage are elaborately discussed by this Court in the Suo Motu W.P.No.1592 of 2015.

5. In view of the findings and the final order passed in Suo Motu (PIL) in W.P.No.1592 of 2015, the Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions, if any, are closed. No costs.

[S.M.S., J.]

[M.J.R., J.]

17.02.2025

Index: Yes/No

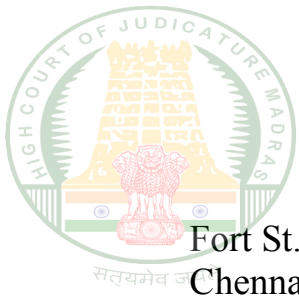
Speaking/Non-speaking order

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To

1. The Chief Secretary of Government,
Government of Tamil Nadu,

Page 4 of 17



W.P.(MD).Nos.512 of 2017 batch

Fort St.George,
Chennai – 600 009.

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2.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

3.The District Collector,
Collectorate,
Tirunelveli.

4.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.



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W.P.(MD).Nos.512 of 2017 batch

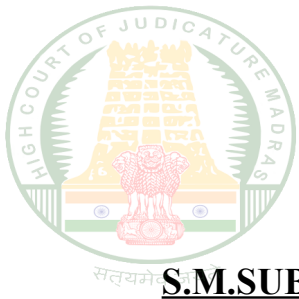
S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

gd

W.P.(MD).Nos.512 of 2017 batch

17.02.2025

W.P.(MD).Nos.512, 513, 573, 574, 6299, 6301, 6679 and 6680 of 2017



W.P.(MD).Nos.512 of 2017 batch

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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

Today, this matter has been listed under the caption 'for being mentioned'.

2. In the original Order dated 17.02.2025, the cause title for the case number W.P.(MD) No.512 of 2017 alone has been typed and for the other cases, the cause title, the name of the counsels appeared and to addresses were not typed.

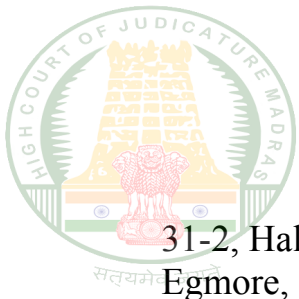
3. Hence, cause title for the other cases shall also be included as follows:

W.P.(MD)Nos.513, 573 & 574 of 2017

M/s.Beach Mineral Company Private Limited,
Rep by Managing Director,
Mr.Harihara Mahadevan,
31-2, Halls Road,
Egmore,
Chennai – 600 008,
Tamil Nadu.

... Petitioner in W.P.(MD).No.513 of 2017

M/s.Beach Mineral Company Private Limited,



W.P.(MD).Nos.512 of 2017 batch

31-2, Halls Road,

Egmore,

Chennai – 600 008,

Tamil Nadu

Rep by its authorised signatory,

Mr.Senthil Arumugam

2017

... Petitioner in W.P.(MD).Nos.573, 574 of

Vs.

1.The State of Tamil Nadu,

Rep by The Chief Secretary of Government,

Government of Tamil Nadu,

Fort St.George,

Chennai – 600 009.

2.The Secretary to Government,

Industries Department,

Government of Tamil Nadu,

Fort St.George,

Chennai – 600 009.

3.The District Collector,

Collectorate,

Tirunelveli.

4.The Member Secretary,

Tamil Nadu Pollution Control Board (TNPCB),

Panagal Maaligai, 76,

Mount Salai, Guindy, Chennai – 600 032.

5.Principal Secretary,

Government of Tamil Nadu,

Ministry of Environment and Forests,

Fort St.George,

Chennai – 600 009.

... Respondents in all

W.P's

[R4 & R5 are impleaded vide order

dated 12.11.2021 in W.P.(MD).Nos.513, 573 & 574 of 2017]

Prayer in WP (MD) No.513 of 2017:



W.P.(MD).Nos.512 of 2017 batch

Writ Petition filed under Article 226 of Constitution of India to issue writ of Declaration, declaring that the order No.R.C.No.M3/40365/2015 dated 09.11.2016 passed by the 3rd respondent as illegal, null and void and ultra vires in respect of the petitioner's company and against the principles of natural justice.

Prayer in WP (MD) No.573 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of certiorari, calling for the records of the 3rd respondent in order No.R.C.No.M3/40365/2015 dated 09.11.2016 in respect of the petitioner's company is concerned and quash the same.

Prayer in WP (MD) No.574 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of Declaration, declaring that the order No.R.C.No.M3/40365/2015 dated 09.11.2016 passed by the 3rd respondent as illegal, null and void and ultra vires in respect of the petitioner's company and against the principles of natural justice.

(in all W.P's)

For Petitioner : Mr.Pugazh Gandhi

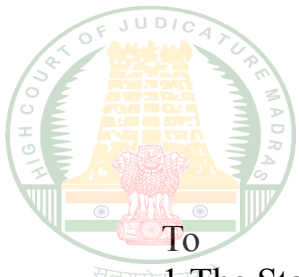
For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay,

Additional Government Pleader for R1 to R3

and R5

: Mr.B.N.Suchindran

Standing Counsel for R4



W.P.(MD).Nos.512 of 2017 batch

To

1.The State of Tamil Nadu,
Rep by The Chief Secretary of Government,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

3.The District Collector,
Collectorate,
Tirunelveli.

4.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.

W.P.(MD)Nos.6299 & 6301of 2017

K.Thangaraj
2017

... Petitioner in W.P.(MD).No.6299 of

M.Ramesh
2017

... Petitioner in W.P.(MD).No.6301 of

Vs.

1.The Joint Secretary and Revisional Authority,



W.P.(MD).Nos.512 of 2017 batch

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Government of India,
Ministry of Mines,
Sastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 011.

2.The Government of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort st.George,
Chennai - 600 009.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The District Level Committee,
Rep. by District Collector,
Tirunelveli District,
Tirunelveli.

5.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

6.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.

... Respondents in both

W.P's

[R5 & R6 are impleaded vide order
dated 12.11.2021 in W.P.(MD).Nos.6299 & 6301 of 2017]



W.P.(MD).Nos.512 of 2017 batch

Prayer in WP (MD) Nos.6299 & 6301 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of certiorari, to call for the records of the 4th respondent dated 09.11.2016 in the form of 'minutes of District Level Committee meeting on prevention of illegal Beach sand mining and Transportation of Beach Sand Minerals held on 18.10.2016 and 09.11.2016 at Collectorate, Tirunelveli" as communicated by the 3rd respondent in Letter Rc.No.M3/40365/2015 dated 09.11.2016, quash the same in so far as the petitioner is concerned.

(in both W.P's)

For Petitioner : M/s.V.Sanjeevi

For Respondents : R1-No appearance
: Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay,
Additional Government Pleader for R2 to R4

& R6

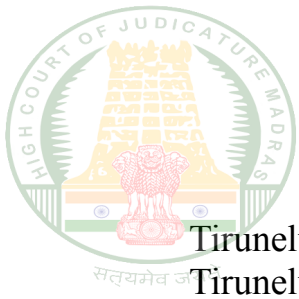
: Mr.B.N.Suchindran
Standing Counsel for R5

To

1.The Joint Secretary and Revisional Authority,
Government of India,
Ministry of Mines,
Sastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 011.

2.The Government of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort st.George,
Chennai - 600 009.

3.The District Collector,



W.P.(MD).Nos.512 of 2017 batch

Tirunelveli District,
Tirunelveli.

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4.The District Level Committee,
Rep. by District Collector,
Tirunelveli District,
Tirunelveli.

5.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

6.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.

W.P.(MD)Nos.6679 & 6680 2017

K.Thangaraj
2017

... Petitioner in W.P.(MD).No.6679 of

M.Ramesh
2017

... Petitioner in W.P.(MD).No.6680 of

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort st.George,
Chennai - 600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.



W.P.(MD).Nos.512 of 2017 batch

3. The District Level Committee,
Rep. by District Collector,
Tirunelveli District,
Tirunelveli.

4. The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.

5. Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St. George,
Chennai – 600 009.

... Respondents in both

W.P's

[R4 & R5 are impleaded vide order
dated 12.11.2021 in W.P.(MD).Nos.6679 & 6680 of 2017]

Prayer in WP (MD) No.6679 & 6680 of 2017

Writ Petitions filed under Article 226 of Constitution of India to issue writ of certiorari, to call for the records of the 3rd respondent relating to the order dated 14.02.2017 issued in the form of "Minutes of the District Level Committee meeting on prevention of illegal Beach sand mining and Transportation of Beach and minerals held on 14.02.2017 at Collectorate, Tirunelveli", as communicated by the 2nd respondent in Letter Rc.No.M3/40365/2015 dated 20.02.2017 quash the same in so far as the petitioner is concerned.

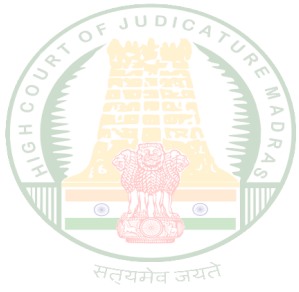
(in both W.P's)

For Petitioner : M/s.V.Sanjeevi

For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay,

Additional Government Pleader for R1 to R3

& R5



W.P.(MD).Nos.512 of 2017 batch

: Mr.B.N.Suchindran
Standing Counsel for R4

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To

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort st.George,
Chennai - 600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The District Level Committee,
Rep. by District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Member Secretary,
Tamil Nadu Pollution Control Board (TNPCB),
Panagal Maaligai, 76,
Mount Salai, Guindy, Chennai – 600 032.
- 5.Principal Secretary,
Government of Tamil Nadu,
Ministry of Environment and Forests,
Fort St.George,
Chennai – 600 009.



W.P.(MD).Nos.512 of 2017 batch

4. The Registry is directed to issue a fresh order copy by incorporating the

above cause title.

(S.M.S., J.) (M.J.R., J.)
20.03.2025

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W.P.(MD).Nos.512 of 2017 batch

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

W.P.(MD).Nos.512, 513, 573, 574, 6299,
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20.03.2025