



W.P.(MD).Nos.514 of 2017 batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

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. Nos.514, 515, 577, 578, 6298, 6300 of 2017& 5838 and 5841 of 2024

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.



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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.514 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 2nd respondent in G.O.Ms.No.179, dated 27.07.2015 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.

All the Writ Petitions have been instituted challenging G.O.Ms.No.179, Industries (MMD.1) Department, dated 27.07.2015 and W.P.No.5841 of 2024 is filed challenging the Revisional Order dated 12.02.2024.

2. The challenge is made to the constitution of three-tier committees



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namely Taluk level Committee, District level Committee and State level Committee to deal with the complaints regarding illegal beach sand mining and other related issues.

3. The main grounds raised by the private Respondents challenging the Orders passed by the Government in G.O. (Ms.) No. 179, dated 27.07.2015 constituting the three-tier committees are that,

(i) No orders have been passed by the High Court in the Suo Motu PIL for constitution of Taluk level, District level Committees and State level Committees for looking into the complaints on illegal beach sand mining.

(ii) The Government Order was not notified in the Gazette and not placed before the State Legislative Assembly as required under Section 26(2) and Section 28(3) of the MMDR Act, 1957. There is no such framework contemplated under Section 28(3) of the MMDR Act. The constitution of the three tier committee is in violation of Section 30 of the MMDR Act.

4. The Government replied by stating that, the three tier committee was



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constituted as per the advise of the First Bench of Madras High Court, as indicated in the Government Order. The Taluk level and District level committees comprising of officials from various departments to look into the complaints on illegal BSM and transportation. It is a fact finding committees constituted for initiating all appropriate action. The constitution of said committee is within the ambit of State Government, as the State is vested with the powers for preventing illegal mining, transportation and storage of minerals under the MMDR Act and Rules framed therein. Further, the Constitution of such committees to transparently deal with the complaints is not in contrary to Section 30 of the MMDR Act. The aggrieved person may approach the Central Government by filing revision application under Section 30 of the Act.

5. In similar circumstances, the State Government has formed Taluk level, District level committee in G.O.Ms.135, dated 13.11.2009 pursuant to the directions of High Court in W.P. (MD) No. 9806 of 2018. The constituted committee was upheld by the High Court in W.P.(MD) Nos. 19936 of 2017, etc. batch, and it was affirmed by the Hon'ble Supreme Court in SLP(C). Nos.33477-33479 of 2018. The constitution of the committee would no way affect the revisional remedy envisaged under Section 30 of the Act.



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6. This Court has considered the entire issue, including the powers of the State Government to conduct inspections related to illegal mining, transportation and storage and final order has been passed in the Suo Motu PIL W.P.No.1592 of 2015. The grounds raised in these Writ Petitions have been elaborately discussed by this Court and therefore, no further considerations are required in respect of the grounds raised on the present Writ Petitions.

7. Thus, the Writ Petitions are 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

gd



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WEB COPY

To

- 1.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 (TNPCCB),
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.514 of 2017 batch

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

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Pre-delivery order made in
W.P.(MD).Nos.514 of 2017 batch

17.02.2025

W.P.(MD).Nos. Nos.514, 515, 577, 578, 6298, 6300 of 2017& 5838



W.P.(MD).Nos.514 of 2017 batch

and 5841 of 2024

WEB C **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.514 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.515, 577 & 578 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.515 of 2017



W.P.(MD).Nos.514 of 2017 batch

M/s.Beach Mineral Company Private Limited,
Rep by its Authorized signatory,
Mr.Senthil Arumugam,
32-2, Halls Road,
Egmore,
Chennai - 600 008.
of 2017

... Petitioner in W.P.(MD).Nos.577 & 578

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.515, 577 & 578 of 2017]



W.P.(MD).Nos.514 of 2017 batch

Prayer in WP (MD) No.517 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of declaration, declaring that the G.O.(MS).No.179 dated 27.07.2015 passed by the 2nd respondent as illegal, null and void ultra vires in respect of the petitioner's company and against the principles of natural justice.

Prayer in WP (MD) No.577 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of Certiorari, calling for the records of the 2nd respondent in G.O.(Ms) No.179 dated 27.07.2015 in respect of the petitioner's company is concerned and quash the same.

Prayer in WP (MD) No.578 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of declaration, declaring that the G.O.(MS).No.179 dated 27.07.2015 passed by the 2nd respondent as illegal, null and void 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

& R5

: Mr.B.N.Suchindran

Standing Counsel for R4

To

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



W.P.(MD).Nos.514 of 2017 batch

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.6298 & 6300 of 2017

K.Thangaraj
2017
M.Ramesh
2017

... Petitioner in W.P.(MD).No.6298 of

... Petitioner in W.P.(MD).No.6300 of

Vs.

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

... Respondents in both

W.P's

[R2 & R3 are impleaded vide order
dated 12.11.2021 in W.P.(MD).Nos.6298 & 6300 of 2017]

Prayer in WP (MD) Nos.6298 & 6300 of 2017:

Writ Petition filed under Article 226 of Constitution of India to issue writ of Certiorari, to call for the records of the respondent relating to the order passed in G.O.(Ms).No.179, Industries (MMD.1) Department dated 27.07.2015, quash the same as illegal and ultra vires the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, in so far as the petitioner is concerned.

(in both W.P's)



W.P.(MD).Nos.514 of 2017 batch

For Petitioner : M/s.V.Sanjeevi

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

Additional Government Pleader for R1 and

R3

: Mr.B.N.Suchindran

Standing Counsel for R2

To

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

W.P.(MD)Nos.5838 & 5841 of 2024

M/s.Transworld Garnet India Pvt.Ltd.,
Represented by its General Manager,
Mr.Stephen David,
New No.14, Old No.500, Pantheon Road,
Egmore, Chennai - 600 008.
M.Ramesh

... Petitioner in both W.P's

Vs.

1. State of Tamil Nadu,
Represented by its Secretary,
Industries Department,



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Fort St.George,
Chennai - 600 109.

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2. District Collector,
District Collectorate,
Tirunelveli.
3. Ld.Revisional Authority,
Department of Atomic Energy,
Government of India,
Anushakti Bhavan,
Mumbai.

... Respondents in both W.P's

Prayer in WP (MD) No. 5838 of 2024:

Writ Petition filed under Article 226 of Constitution of India to issue writ of Declaration, declaring impugned Government Order in the G.O.(MS).No.179 dated 27.07.2015 passed by the 1st respondent as illegal, null and void and ultra vires the Constitution of India and quash the same.

Prayer in WP (MD) No. 5841 of 2024:

Writ Petition filed under Article 226 of Constitution of India to issue writ of Certiorari, calling for the records relating to the impugned order in Revisional Application No.27/16/2016/RC-II dated 12.02.2024 passed by the third respondent and quash the same.

(in both W.P's)

For Petitioner : Mr.Srinath Sridevan
Senior Counsel
for Mr.N.V.Prakash

For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay,
Additional Government Pleader for R1 and R2



W.P.(MD).Nos.514 of 2017 batch

: R3 - No appearance

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1. State of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort St.George,
Chennai - 600 109.
2. District Collector,
District Collectorate,
Tirunelveli.
3. Ld.Revisional Authority,
Department of Atomic Energy,
Government of India,
Anushakti Bhavan,
Mumbai.



W.P.(MD).Nos.514 of 2017 batch

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

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. Nos.514, 515, 577, 578, 6298,
6300 of 2017& 5838 and 5841of 2024