



W.P(MD)No.11665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11665 of 2025

C.Ramesh

... Petitioner

Vs.

1.IREL (India) Limited,
Rep by its Chairman Cum Managing Director,
IREL (India) Limited,
(Formerly Indian Rare Earths Ltd),
(A Govt. of India Undertaking Dept. of Atomic Energy),
Plot No. 1207, ECIL Bldg, Veer Savarkar Marg,
Opp. Siddhivinayak Temple,
Prabhadevi, Mumbai - 400 028.

2.The General Manager,
IREL (India) Limited,
Manavalakurichy Plant,
Manavalakurichy Post,
Kanyakumari District.

3.The Deputy General Manager,
IREL (India) Limited,
Manavalakurichy Plant,
Manavalakurichy Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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Respondent No.1 to permit the petitioner to resume the transportation of minerals bearing sand from Sathankulam to Manavalankuruchi Plant as Per the Terms and Conditions of Agreement dated 16.11.2022.

For Petitioner : Mr.M.Mahaboob Fazil,
For M/s.Roy and Roy Associates.

For Respondents : Mr.Krishna Srinivasan, Senior Counsel,
For M/s.S.Ramasubramanian & Associates.

ORDER

Heard the learned counsel for the writ petitioner and the learned senior counsel for the respondents.

2.The writ petitioner was awarded the contract of loading and transporting excavated atomic mineral bearing sand from Sathankulam to Manavalankuruchi. The contract was entered into on 16.11.2022. The period of contract was four years. During the course of contract, the respondent received communication from the Pollution Control Board that they should install slime handling system.



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3. In view of the storage constraints of the respondents, they informed the writ petitioner vide communication dated 21.03.2024 that the contractual operations stood suspended temporarily. The letter dated 21.03.2024 made it clear that once the slime handling system is established, the transportation in terms of the contract would be resumed. It was further clarified that no penalty would be levied for shortfall in quantity arising out of the temporary suspension of the transportation. This stand of the respondents was reiterated vide communication dated 10.03.2025. It reads as follows:-

“While the transportation of Atomic Mineral bearing soil was continuing from the Fiver Linking Project in Sathankulam Taluk to IREL, Manavalakurichi Plant as per the aforesaid Work Order from 20.02.2023, we have been advised by the TNPCB to establish a Comprehensive System for handling slime in the feed material sourced from Sathankulam.

Now, we are in the process of implementing a comprehensive slime handling system in our Heavies Upgradation Section (HUS). The Project of establishing the slime handling system has been entrusted to the Council for Scientific and Industrial Research National Metallurgical Laboratory Madras Centre (CSIR NML), Government of India, Chennai, In fact, the establishment of the



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above said slime handling system necessitated us to regulate the transportation of feed material from Sathankulam.

Considering the operational constraints involved in handling the slime and also the space available for storage of feed material in our stockyard at HUS, we decided to put the transportation of Atomic Mineral bearing soil from Sathankulam on hold temporarily in pursuance of Tender/Work Order terms and conditions inter-alia Clause No. 5.18.1 of RFQ No. MK/P 20-17/22-23/ET45 dated 10.09.2022.

Notwithstanding the above, we are expediting the establishment of slime handling system and the resumption of transportation from Sathankulam would be reviewed by us in the 3rd week of April, 2024.

It is also informed that no penalty would be imposed for shortfall in quantity arising out of the temporary suspension of transportation.

You would be given adequate time period of not less than 15 days for resuming transportation.

While we appreciate your difficulties, expect you too to appreciate our operational constraints and extend your cooperation.”



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4. When the suspension of the contract is due to circumstances beyond the control of the respondents, the question of the Writ Court directing the resumption of transportation of minerals does not arise at all. The petitioner need not have any cause for worry. The learned senior counsel on written instructions clarified that once slime handling system is installed, the contractual operations would stand resumed and that the petitioner will not have to suffer any adverse consequence as a result of the suspension. Suspension is not due to any fault on the part of the writ petitioner. I am of the view that there is no real cause of action for filing the writ petition.

5. Recording the stand of the respondent, this writ petition is disposed of. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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