



W.P(MD)No.18717 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.18717 of 2025
and
W.M.P.(MD) No.14347 of 2025**

S.P.Viswanathan

... Petitioner

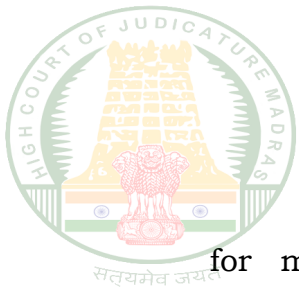
Vs.

- 1.The Director,
Department of Geology and Mining,
Guindy, Alandur Road,
Chennai-600 032.
- 2.The Commissioner,
Department of Geology and Mining,
Guindy, Chennai-600 032.
- 3.The District Collector,
Collectorate Office,
Sivagangai District,
Sivagangai.
- 4.The Assistant Director of Geology and Mining,
Sivagangai District,
Sivagangai.

5.Nehru

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct respondents No.1 to 4 to not to grant any license to the 5th respondent



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for mining in the petitioner's village namely Kallangudi Pudur Panchayat situated at Kallangudi Pudur, Devakkottai, Sivagangai District based on the representation dated 24.05.2025.

For Petitioner : Mr.C.Ezhilarasu
For RR1 to 4 : Mr.P.Thilakkumar
Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to direct respondents No.1 to 4 not to grant any license to the fifth respondent for mining in the petitioner's village namely Kallangudi Pudur Panchayat situated at Kallangudi Pudur, Devakkottai, Sivagangai District.

2. The negative relief as such sought for in this writ petition cannot be granted in a routine manner. However, the learned counsel for the petitioner raises a concern regarding the damage likely to be caused to the ecology and environment in the subject locality. In such circumstances, the authorities are bound to seek public opinion by providing opportunity to the people of that locality and other consequences in the event of granting licence for quarrying operations.



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3. Licence for quarrying operations should not affect the life and livelihood of the people and therefore, the authorities are expected to be doubly cautious while considering the applications seeking licence for quarrying operations. Beyond the provisions of the Act, inconvenience likely to be caused to the people of the locality and the protection of their life is also to be taken into consideration. The official respondents are directed to consider all these aspects in the event of receiving any application seeking licence for quarrying operations in the subject locality.

4. In *suo motu* W.P.No.1592 of 2015, dated 17.02.2025, a Division Bench of this Court, to which one of us was a party (SMSJ), considered the principles of “doctrine of public trust and sustainable development”. At this juncture, it is relevant to extract paragraph Nos.207 to 210 of the said order, which read as follows:

“2.6 Doctrine of Public Trust and Sustainable Development:

207. The principle that the Union and State Governments act as public trustees of mineral resources has been incorporated in the MMDR Act.

208. The Central Government or the State Government may not always be the “owner” of the underlying minerals. But the Constitution empowers both Parliament (under Entry 54 of List I) and the State



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legislatures (under Entry 23 of List II) to regulate mines and mineral development, the entrustment to the State being subject to the power of Parliament to regulate the domain. The Constitution has entrusted the Union and the States with the responsibility to regulate mines and mineral development in consonance with the principles of the public trust doctrine and sustainable development of mineral resources. Under the MMDR Act, the Central Government, acting as a public trustee of minerals, regulates prospecting and mining operations in public interest.

209. The regulatory regime under the MMDR Act recognises the important role of the State in regulating mines and mineral development. This emerges from the stand point of the following perspectives: (i) the State is a public trustee of natural resources, including minerals; (ii) pursuant to its role as a public trustee, the State has been empowered to regulate prospecting and mining operations; (iii) the provisions of the statute reflect the priority of the state to regulate mining and related activities to ensure sustainable mineral development; (iv) prospecting and mining operations may be carried out by both the Government as well as private lessees bearing in mind the public interest; and (v) the Government has to ensure that mineral concessions are granted in a fair and transparent manner.

210. When the State holds a resource that is freely available for the use of public, it provides for a high degree of judicial scrutiny on any action of the Government. It is, thus, the duty of the Government to provide complete protection to the natural resources as



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a trustee of the public at large. Moreover, even a policy to give free sand as welfare measure cannot justify unregulated mining unmindful of impact on environment. If in the course of mining, damage is caused, the same must be recovered from such violators. Else, authorities cannot avoid their duty under the environmental law to restore the damage which is a duty to future generations.”

5. With the above observations and direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

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Index:Yes
Internet:Yes
NCC:Yes/No

abr

To

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