



Rev.Aplw.(MD)No.95 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Rev.Aplw.(MD)No.95 of 2025

and

W.M.P.(MD)No.14111 of 2025

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

2.The District Collector,
Collectorate, Trichy District,
Trichy-1.

3.The Project Director,
Sand Quarry Iyakkam,
Sand Mining Movement,
Public Works Department,
Trichy-20.

4.The Executive Engineer,
PWD/WRD Division,
Mining and Superintending Division,
Trichy-20.

... Petitioners

Vs.

1.M.Rajendran
2.P.Pandi

... Respondents



Rev.Aplw.(MD)No.95 of 2025

WEB COPY

PRAYER:- Application - filed under Order 47, Rule 1 and 2 r/w Section 114 of C.P.C, to review the order passed by this Court dated 07.04.2025 passed in W.P(MD)No.18285 of 2017 on the file of this Court.

For Petitioners	: Mr.P.S.Raman Advocate General, Mr.R.Baskaran Additional Advocate General Mr.P.Thilak Kumar Government Pleader
For R1	: Mr.K.Gokul
For R2	: Mr.J.Jeyakumaran

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

This review application is filed in respect of order dated 07.04.2025.

2.The writ petition had been filed seeking mandamus not to quarry and trade any river sand till the constitution of State Level Monitoring Committee per the order of this Court in W.P.(MD)No.11182 of 2010 dated 02.12.2010. When the matter had came up for hearing on 07.04.2025, it was closed on the basis of the instructions reported by the learned Special Government Pleader to the effect that the State Level



Rev.Aplw.(MD)No.95 of 2025

Monitoring Committee was yet to be constituted and until such time, it was to be constituted, quarrying and trading of river sand will not be permitted.

3.The learned Additional Advocate General would submit that instructions reported were erroneous, insofar as the State Level Committee is very much in force and has been constituted pursuant to G.O.Ms.No.79 dated 11.03.2011. In light of the same and finding an apparent error in the order of this Court dated 07.04.2025 based on the wrong reporting of instructions by the learned Government Counsel, we are inclined to review order dated 07.04.2025.

4.Much more water flown under the bridge post constitution of the Special Committee under G.O.Ms.No.79 dated 11.03.2011. Under that Government Order, a committee was constituted under the chairmanship of a retired Hon'ble Judge of this Court and three other members.

5.The constitution of that Committee was itself pursuant to a series of directions given on 02.12.2010 while disposing W.P.(MD)No. 11182 of 2010 and batch, where also the prayer was for a mandamus forbearing the respondents from carrying out unfettered and uncontrolled



WEB COPY

sand quarrying operations along the stretches of Cauvery and Kollidam rivers. The directions are extracted below:

“87. Constitution of State Level Monitoring Committee for river sand and other sand quarrying:

(a) There shall be a State level monitoring Committee constituted for the purpose of monitoring the adherence of the directions issued in this order and the TN MMC Rules.

(b) State Level monitoring committee for river and other sand quarrying shall be constituted comprising of the following persons:

(i) a Retired Judge of the Madras High Court shall be the Chairman;

(ii) One Member Secretary shall be appointed in the Head Office; and

(iii) One Retired District Judge for each Zone [Chennai Zone; Tirunelveli Zone; Coimbatore Zone; Tiruchi Zone].

(iv) Expert in Water Resources Management; and

(v) Environmentalist shall be the members.

We hope that the State will issue necessary notification constituting the Committee preferably within a period of six months from today. While issuing notification, the Government shall also demarcate the areas for all the four zones and also indicate the names of the rivers in the respective zones.

(c) The Chairman shall be paid remuneration of Rs.50,000/- per month and the members shall be paid Rs.25,000/- per month each. The tenure of the Committee shall be initially for a period of two years. The Committee shall be provided with office space in Chennai, Tirunelveli, Coimbatore and Tiruchi. The Committee is to be provided with a typist and Assistant at Head Office and Zonal Offices by providing necessary infrastructure. Adequate police protection has to be given to the Committee while visiting the sites to ensure effective monitoring.

(d) After granting permission for sand quarrying in any river or tributary in the State of Tamil Nadu, the respective District Collectors shall forward a copy of the preliminary report submitted by the inspecting team and also the copy of the



WEB COPY

proceedings permitting sand quarrying. The Committee shall monitor that the sand quarrying is done in accordance with the TN MMC Rules and in compliance with the terms and conditions of the permission granted and the directions issued in this order.

(e) The Committee shall monitor whether sand quarrying is done in a scientific and skilful manner. The Committee shall have power to check the transport permits issued. The Committee shall verify the accounting procedure and the quantum of load put up to the lorries.

(f) Any person having grievance about illegal quarrying/excessive quarrying/non-compliance of TN MMC Rules/other directions shall prefer complaint before the Committee and the Committee shall look into the same and shall make enquiry and shall communicate with the District Collector and the Public Works Department to redress the grievance. The Committee shall collect the reports from the Zonal Committee and send a periodical report to this Court once in four months.

(g) Insofar as Vaipar and Palar, pursuant to the orders of the Court, already Committees have been constituted to monitor the sand quarrying. Insofar as Vaipar and Palar, State Level Monitoring Committee shall function in coordination with those Committees already constituted.

(h) Any deviation of procedure/rule is to be brought to the notice of the District Collector for taking appropriate action. In case of inaction of the District Administration, the Committee shall bring it to the notice of the Court by filing appropriate Report.

(i) The Registrar Judicial has to finalise the names of the members of the Committees. The Registrar judicial is directed to submit the list of retired District Judges in the respective areas, panel of names of experts in Water Resource Management, Environmentalists in the respective zones. Registrar- Judicial shall also communicate with the High Court Registry, Universities/Institutions in getting the names of the experts. The Registrar Judicial shall also contact the individuals and obtain the willingness and submit his report giving the names, designations, addresses and contact numbers within a period of two weeks from today to enable this Court to pass further orders in constituting the Committee.”



WEB COPY

6.In order dated 03.08.2012 passed in WP(MD)Nos.4699, 8111, 8131, 8568, 8886 of 2012 & 10418 of 2004 (*CDJ 2012 MHC 4639*), this Court took note of the judgment of the Hon'ble Supreme Court in *Deepak Kumar vs. State of Haryana and others* [(2012) 4 SCC 629] extending the requirement of an environmental impact assessment, and environmental clearance from the Ministry of Environment even for the mining of minor minerals in areas less than 5 hectares. It is pursuant thereto, that the State Level Environmental Impact Assessment Authority has been constituted.

7.That apart, a recent and relevant development is an order passed by the National Green Tribunal, New Delhi on 26.02.2021, in *National Green Tribunal Bar Association vs. Veerender Singh (State of Gujarat)*, where the Tribunal took note of the position relating to mining of river sand in various States by impleading the relevant authorities of several States and calling for reports.

8.In conclusion and under the caption '*Enforcement of Monitoring Mechanism and review by the Chief Secretary at the State Level and Secretary MOEF & CC at National Level*', the Tribunal has



directed as follows:

Enforcement of Monitoring Mechanism and review by the Chief Secretary at State level and Secretary MoEF&CC at National level

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Fupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease ie. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be



WEB COPY

overseen by the SELAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.”

9.We are given to understand that the directions at para 28, to the effect that there should be a periodic inspection conducted by a five members committee headed and coordinated by the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee, have been implemented by the State of Tamil Nadu. The first Committee was constituted in 2022, the tenure of which expired in 2025.

10.Under letter No.SEIAA-TN/C.No.019855/2025-2/2025 dated 04.08.2025, the Committee has been reconstituted as follows:



Rev.Aplw.(MD)No.95 of 2025

S.No.	Name	Designation
1	Dr.Vasudevan Namasivayam	Expert Member, SEIAA-TN
2	Thiru Palanivel Ramasamy	Member, SEACI-TN
3	Dr.R.Rajamanickam	Member, SEAC 2- TN
4	Mrs.H.D.Varalaxmi	Scientist-E & Regional Director-CPCB
5	Tmt.Vasuki	Joint Chief Environmental Engineer, TNPCB

11.A copy of the order of the NGT and the above communication have been supplied to the petitioner as well as two other parties, impleaded on 13.10.2025 in public interest. Their first objection is that the constitution of the Committee primarily comprises persons drawn from Establishment and it would be preferable that there is a neutral party, to provide perspective and ensure that there is sufficient oversight.

12.Having considered the same, we are of the view that the composition of the Committee can only be modified by the NGT itself. That apart, we see that the members, though from the Establishment, have been drawn from both Central and State bodies, all of whom are experts in the arenas of environmental protection and mining of sand. In such circumstances, there may not be further necessity to bring in any



Rev.Aplw.(MD)No.95 of 2025

other persons, and this Committee could adequately address the apprehensions expressed.

13.The second point raised by the petitioners is that oversight is necessary both at the stages of pre, and post grant of lease. In our considered view, this apprehension stands allayed by the fact that the Committee have the status of a standing, permanent Committee, and will hence have continuity in its control and oversight of mining and quarrying operations.

14.We are given to understand that the Committee has conducted more than 40 inspections as on date, and convenes every quarter to review the inspections made in the last quarter. Having regard to the material now furnished before us, we conclude that the prayer of the writ petitioner has been duly taken note of and mandamus, as sought for has been duly achieved.

15.Accordingly, this review is closed. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [P.B.B.J.]
15.10.2025

Index :Yes/No
Internet :Yes
ta



WEB COPY



Rev.Aplw.(MD)No.95 of 2025

DR.ANITA SUMANTH, J.
AND
P.B.BALAJI, J.

ta

Rev.Aplw(MD)No.95 of 2025

15.10.2025