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W.P.(MD)NO.20293 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20293 of 2025 AND
W.M.P.(MD)Nos.15699 & 15702 of 2025

Fr.Arnold Dias,
School Correspondent,
Mar Ivanios CBSE School,
Birdge Ward, Kuzhithurai,
Kanyakumari District.

... Petitioner

Vs.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
2. The Sub Collector,
Padmanabhapuram,
Kanyakumari District.
3. The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.
4. The Tahsildar,
Vilavankode Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding of the



first respondent vide Na.Ka.No.529/PuMaSu/2024 dated 02.07.2025 and quash the same and consequently direct the first respondent to grant necessary permission for removal of rocks and soil from the lands in survey No.A9/2, 1A1B and A9/5 in Kuzhithurai Town, Kanyakumari District.

For Petitioner : Mr.S.Parthasarathy,
for Mr.V.R.Shanmuganathan.
For Respondents : Mr.B.Ramanathan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The writ petitioner is a diocesan educational institution.

The Correspondent of the school submitted an application dated 30.10.2024 seeking permission to remove the mineral(rocks included) from their patta land for the purpose of establishing a play ground. His specific case is that the presence of rocks is an impediment for establishing the play ground. The request was rejected by the District Collector, Kanyakumari District vide proceedings dated 02.07.2025. Challenging the same, this writ petition came to be filed.



3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant the relief as prayed for.

4. The respondents have filed counter affidavit. The learned Additional Government Pleader took me through its contents.

5. The prime objection of the respondents is that the writ petitioner having claimed that the minerals are to be delivered to a contractor engaged by NHAI was obliged to produce the recommendation letter from NHAI as well as the work order issued in favour of the contractor to whom the minerals are to be sold. In the case on hand, the petitioner failed to do so. The learned Additional Government Pleader also submitted that the writ petitioner was earlier granted permission and that the time line stipulated therein was also extended twice. The petitioner failed to avail the said opportunity. He placed reliance on Rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959. He called upon this Court to dismiss the writ petition.

6. I carefully considered the rival contentions and went through the materials on record.



7. Invocation of Rule 7 is misplaced. Rule 7 deals with quarrying for public purposes which applies to quarrying of minor minerals other than granite from unreserved waste lands including poramboke. In the case on hand, the minerals are sought to be removed from the writ petitioner's patta lands. Therefore, Rule 7 has no application whatsoever. In fact insistence of documentary evidence such as recommendation from NHAI and the copy of the work order are relatable only to Rule 7.

8. Therefore, the request of the writ petitioner cannot be rejected on that ground.

9. It is true that the writ petitioner was given permission earlier. The petitioner failed to avail the opportunity. That cannot come in the way of the writ petitioner from approaching the respondents once again. Admittedly, the writ petitioner is a recognized school. Any school will have to have a spacious playground. Establishing of playground is in public interest. The petitioner's endeavour to establish the playground involves removal of mineral. The writ petitioner has no use for the removed mineral.



That is why, they want to dispose it of commercially. The learned counsel for the petitioner states that the contractor to whom the mineral is to be delivered is regularly engaged by NHAI. The said stand has been taken only to show that there is no illicit purpose in seeking removal of mineral. In fact, this fact need not even be cited by the writ petitioner. The learned Additional Advocate General is not able to draw my attention to any statutory provision governing end-use of the removed mineral.

10. The reasons set out in the impugned order are patently unsustainable. The order impugned in the writ petition is quashed. The respondents are directed to grant permission to the writ petitioner to remove the mineral from their patta land. Appropriate conditions can very well be stipulated and the petitioner is obliged to adhere to the same. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2025

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

PMU

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