



W.A(MD)Nos.1617 to 1623 of 2016 and W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

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

**W.A(MD)Nos.1617 to 1623 of 2016
and
W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011
and
M.P(MD)Nos.1 to 1 of 2011**

W.A(MD)Nos.1617 to 1623 of 2016:-

M/s.V.V.Mineral,
Keeraikaranthattu,
Tisayanvilai,
Tirunelveli District,
Through its
Manager Partner S.Vaikundarajan.

... Appellant/
Writ Petitioner in all W.As'

vs.

1.The Commissioner of Geology and Mining,
Guindy,
Chennai – 32.

2.The District Collector,
Tuticorin District.

... Respondents/
Respondents in all W.As'



W.A(MD)Nos.1617 to 1623 of 2016 and W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

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COMMON PRAYER : Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 02.12.2016 made in W.P(MD)Nos.10543, 10544, 10545, 10546, 10547, 10548 and 19257 of 2016 respectively on the file of this Court.

In all W.As':-

For Appellant : Mr.J.Kingsly Solomon

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

W.P(MD)Nos.2104 to 2108 of 2011:-

M/s. V.V.Mineral,
Keeraikaranthattu,
Tisayanvilai,
Tirunelveli District,
Through its
Manager Partner S.Vaikundarajan.

... Writ Petitioner in all W.Ps'

vs.

- 1.The Government of India,
Represented by the Under Secretary to the Government,
Ministry of Mines,
Shastri Bhawan,
New Delhi.
- 2.The Secretary to the Government of Tamil Nadu,
Department of Industries,
Secretariat,
Chennai – 600 009.
- 3.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.

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4. Indian Rare Earths Limited,
Manavalakurichi – 629 252,
Kanyakumari District.

... Respondents in all W.Ps'

(R – 4 is impleaded vide order dated 06.06.2025
made in M.P(MD)Nos.1 to 1 of 2012)

PRAYER in W.P(MD)No.2104 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for garnet, ilmenite and rutile in S.Nos.176/2 and 3 over an extent of 3.56.5 hectare in Mel Midalam Village of Vilavankode Taluk, Kanyakumari District and quash the same and direct the first respondent to accord approval under Section 5(1) of the MMDR Act based on the recommendation made by the second respondent in its letter No.30673/MMD1/2002-1 dated 21.01.2003 to the first respondent for grant of approval.

PRAYER in W.P(MD)No.2105 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for garnet, ilmenite and rutile in S.No.82/2A over an extent of 4.92.0 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District and quash the same and direct the first respondent to accord approval under Section 5(1) of the MMDR Act based on the recommendation made by the second respondent in its letter No.30674/MMD1/2002-1 dated 21.01.2003 to the first respondent for grant of approval.



W.A(MD)Nos.1617 to 1623 of 2016 and W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

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PRAYER in W.P(MD)No.2106 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for garnet, ilmenite and rutile in S.No.55/2A over an extent of 3.65.0 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District and quash the same and direct the first respondent to accord approval under Section 5(1) of the MMDR Act based on the recommendation made by the second respondent in its letter No.30672/MMD1/2002-1 dated 21.01.2003 to the first respondent for grant of approval.

PRAYER in W.P(MD)No.2107 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for garnet, ilmenite and rutile in S.No.129/6 over an extent of 4.58.1 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District and quash the same and direct the first respondent to accord approval under Section 5(1) of the MMDR Act based on the recommendation made by the second respondent in its letter No.30677/MMD1/2002-1 dated 21.01.2003 to the first respondent for grant of approval.

PRAYER in W.P(MD)No.2108 of 2011 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified



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Mandamus, calling for the records of the first respondent relating to return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for garnet, ilmenite and rutile in S.No.164/1 over an extent of 2.74.5 hectare in Mel Midalam Village of Vilavankode Taluk, Kanyakumari District and quash the same and direct the first respondent to accord approval under Section 5(1) of the MMDR Act based on the recommendation made by the second respondent in its letter No.30675/MMD1/2002-1 dated 21.01.2003 to the first respondent for grant of approval.

In W.P(MD)Nos.2104 & 2105 of 2011:-

For Petitioner	: Mr.R.T.Arivukumar
For R – 1	: Mr.P.Paul Pandi, SPC
For RR 2 & 3	: Mr.S.P.Maharajan Special Government Pleader
For R – 4	: Mr.Krishna Srinivasan Senior Counsel for Mr.S.Ramasubramaniam & Associates

In W.P(MD)Nos.2106 to 2108 of 2011:-

For Petitioner	: Mr.J.Kingsly Solomon
For R – 1	: Mr.P.Paul Pandi, SPC
For RR 2 & 3	: Mr.S.P.Maharajan Special Government Pleader
For R – 4	: Mr.Krishna Srinivasan Senior Counsel for Mr.S.Ramasubramaniam & Associates



W.A(MD)Nos.1617 to 1623 of 2016 and W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

W.P(MD)No.3695 of 2011:-

M/s.V.V.Minerals,
Keeraikaranthattu,
Tisayanvilai,
Tirunelveli District,
Through its
Manager Partner S.Vaikundarajan.

... Writ Petitioner

vs.

1.The Secretary to the Government of Tamil Nadu,
Department of Industries,
Secretariat, Chennai – 600 009.

2.The Director of Geology and Mining,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to communicate the precise area in S.F.No.769 over an extent of 5 hectares of Government poramboke lands in Therku Karunkulam Village, Radhapuram Taluk, Tirunelveli to the petitioner based on the application submitted by the petitioner dated 11.07.2005 and the orders passed by the respondents.

For Petitioner : Mr.R.T.Arivukumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The intra-court appeals viz., W.A(MD)Nos.1617 to 1623 of 2016 under Clause 15 of the Letters Patent have been instituted to assail the writ orders dated 17.12.2014 passed in W.P(MD)Nos.10543, 10544, 10545, 10546, 10547, 10548 and 19257 of 2016 respectively.

2.W.P(MD)Nos.2104 to 2107 of 2011 have been instituted to quash the return of the proposal No.4/21/2003-MIV dated 07.12.2007 for grant of mining lease for Garnet, Ilmenite and Rutile in S.Nos.176/2 and 3 over an extent of 3.56.5 hectare in Mel Midalam Village of Vilavankode Taluk, Kanyakumari District, S.No.82/2A over an extent of 4.92.0 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District, S.No.55/2A over an extent of 3.65.0 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District, S.No.129/6 over an extent of 4.58.1 hectare in Keel Midalam Village of Vilavankode Taluk, Kanyakumari District and S.No.164/1 over an extent of 2.74.5 hectare in Mel Midalam Village of Vilavankode Taluk, Kanyakumari District and direct the first respondent to accord approval under Section 5(1) of



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the MMDR Act based on the recommendation made by the second respondent dated 21.01.2003 to the first respondent for grant of approval.

3.W.P(MD)No.3695 of 2011 has been instituted to direct the first respondent to communicate the precise area in S.F.No.769 over an extent of 5 hectares of Government poramboke lands in Therku Karunkulam Village, Radhapuram Taluk, Tirunelveli to the petitioner based on the application submitted by him dated 11.07.2005.

4.The writ petitioner in W.P(MD)Nos.10543, 10544, 10545, 10546, 10547, 10548 and 19257 of 2016 is the appellant before this Court.

5.The Writ Petitions, viz., W.P(MD)Nos.10543, 10544, 10545, 10546, 10547, 10548 and 19257 of 2016, were instituted seeking a direction to the first respondent therein to grant the mining lease to the appellant's applications dated 01.11.2004 in Udankudi Village, Tiruchendur Taluk, Tuticorin District, dated 01.11.2004 in Keel Tiruchendur Village, Tiruchendur Taluk, Tuticorin District, dated 22.03.2001 in Vaippar – I, Vilathikulam Taluk, Tuticorin District, dated 01.11.2004 in Kandasamipuram Village, Vilathikulam Taluk,



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Tuticorin District, dated 28.01.2002 in Vaippar – I Village, Vilathikulam Taluk, Tuticorin District, dated 28.01.2002 in Vaippar – I Village, Vilathikulam Taluk, Tuticorin District and dated 18.06.2001 in Agasteeswara Village and Taluk, Kanyakumari District pursuant to the approval given by the Ministry of Mines, dated 23.05.2012, Approved Mining Plan by Indian Bureau of Mines and in compliance to the Ministry of Mines, Circular dated 03.03.2016.

6.The issues involved in the case on hand have already been elaborately considered by the Division Bench of this Court and a Judgment has been delivered in *suo motu* Public Interest Litigation in W.P.No.1592 of 2015 on 17.02.2025.

6.Mr.J.Kingsly Solomon, learned counsel appearing for the appellant would submit that the said Judgment is taken by way of an appeal before the Hon'ble Supreme Court of India and it is pending. He would further submit that they are going to file a transfer petition before the Apex Court.

7.We are of the view that mere submission that a transfer petition is going to be filed before the Apex Court, cannot be a ground to keep the matter



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pending before the High Court. Further, there is a ban for grant of mining lease for beach sand and that being the factum, no further adjudication needs to be undertaken.

8.The learned counsel for the fourth respondent, who is newly impleaded as a party respondent, would contend that the relief cannot be granted as on today in view of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed thereunder.

9.May that as it be, the issues raised in the present Writ Appeals and Writ Petitions are no more *res integra* and all the issues were elaborately considered. Therefore, this Court is not inclined to grant the relief. Accordingly, the Writ Appeals and the Writ Petitions are dismissed. There shall be no as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
06.06.2025
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NCC : Yes / No
Index : Yes / No
Internet : Yes

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W.A(MD)Nos.1617 to 1623 of 2016 and W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

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To

- 1.The under Secretary to the Government,
Represented by the Government of India,
Ministry of Mines,
Shastri Bhawan,
New Delhi.
- 2.The Secretary to the Government of Tamil Nadu,
Department of Industries,
Secretariat,
Chennai – 600 009.
- 3.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.
- 4.Indian Rare Earths Limited,
Manavalakurichi – 629 252,
Kanyakumari District.



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

ps

ORDER MADE IN
W.A(MD)Nos.1617 to 1623 of 2016
and
W.P(MD)Nos.2104 to 2108 of 2011 & 3695 of 2011

DATED : 06.06.2025
(1/2)