

W.P(MD)No.17710 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.17710 of 2017
and
W.M.P(MD)Nos.14263 & 14264 of 2017**

S.P.Muthu Raman

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Industries (MMA.1) Department,
Secretariat,
St.George Fort,
Chennai – 600 009.
- 2.The Additional Chief Secretary to
Government / Commissioner,
Land Administration Department,
Ezhilagam,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Thoothukudi District,
Thoothukudi.



W.P(MD)No.17710 of 2017

4.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

5.The Block Development Officer,
Pudur Block Development Office,
Pudur Post, Vilathikulam Taluk,
Thoothukudi District.

6.The Regional Controller of Mines
Indian Bureau of Mines,
C-4A, GCO Complex,
Rajaji Bhavan,
Besant Nagar,
Chennai – 600 090.

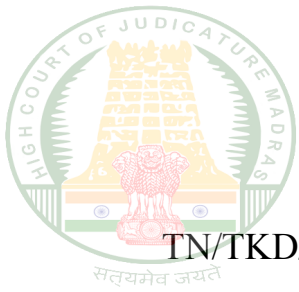
7.The Commissioner,
Geology and Mining,
Thiru Vika Industrial Estate,
Guindy,
Chennai – 600 032.

8.The Assistant Director,
Geology and Mining,
Collector Office Campus,
Tuticorin.

9.The Ramco Cements Limited,
Represented by its Managing Director,
V Floor – Auras Corporate Centre,
98A, Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned approval order passed by the sixth respondent vide Letter



W.P(MD)No.17710 of 2017

TN/TKD/MP/LST-1978 - MDS dated 23.05.2016 and consequential mining lease granted by the first respondent vide G.O.(Ms.)No.5 dated 06.01.2017 of Industries (MMA.1) Department and quash the same as for as the cart track and pond situated at Tuticorin District, Vilathikulam Taluk, Kullakattankurichi Village in S.No.98/3 – 0.09.0 Hec, 99/10 – 0.05.0 Hec, 105/3 – 0.03.0 Hec, S.No. - 109/5 – 0.13.5 Hec, 110/7 – 0.01.0 Hec, 99/4 – 0.09.0, 104/4 – 0.06.5 Hec, Pudur Village in S.No. - 71/8 – 0.11.5 Hec, 75/6 – 0.07.5 Hec, 76/12 – 0.07.5 Hec, 80/6 – 0.09.0 Hec, 82/5 – 0.07.5 Hec, Sivalarpatti Village in S.No. - 265/4 – 0.07.0 Hec are concerned and directing the respondents 1 to 8 to remove the encroachment and restore the same as cart track and pond.

For Petitioner : Mr.B.K.Rajendran

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.4

Mr.P.Athimoolapandian for R.5

Mr.C.Nandagopal for R.6 to R.8

Mr.Raguvaran Gopalan for R.9

ORDER

Heard both sides.

2.The petitioner questions the grant of mining lease in favour of the ninth respondent. On a careful perusal of the impugned GO, it is seen that



W.P(MD)No.17710 of 2017

Survey No.99/4, Vilathikulam which has been classified as Oorani has also

been included in the list of survey numbers in which minor lease has been permitted. This runs counter to Rule 27(h) of the Mineral Concession Rules, 1960. The said Rule stipulates that every mining lease shall be subject to the condition that mining shall not be permitted at any point within a distance of 50 metres from any reservoir or canal. It is unfortunate that license had been granted to do mining even in a water body on payment of sum of Rs.14,500/-. To this extent, the impugned GO warrants interference.

3.The learned Additional Government Pleader on instructions from the jurisdictional Tahsildar confirms that till date, Survey No.99/4 is intact and that no mining operation has been carried on within the distance of 50 metres therefrom.

4.We forbear the lessee, namely, the ninth respondent herein from carrying on any mining operation contrary to Rule 27(h) of the Mineral Concession Rules, 1960. The impugned GO is accordingly modified.



W.P(MD)No.17710 of 2017

5.This Writ Petition is partly allowed. There shall be no order as to

costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
27.02.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The Principal Secretary to Government,
Industries (MMA.1) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Additional Chief Secretary to
Government / Commissioner,
Land Administration Department,
Ezhilagam, Chempauk,
Chennai – 600 005.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

5.The Block Development Officer,
Pudur Block Development Office,
Pudur Post, Vilathikulam Taluk,
Thoothukudi District.



WEB COPY



W.P(MD)No.17710 of 2017

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

6.The Regional Controller of Mines
Indian Bureau of Mines,
C-4A, GCO Complex,
Rajaji Bhavan,
Besant Nagar,
Chennai – 600 090.

7.The Commissioner,
Geology and Mining,
Thiru Vika Industrial Estate,
Guindy,
Chennai – 600 032.

8.The Assistant Director,
Geology and Mining,
Collector Office Campus,
Tuticorin.

W.P(MD)No.17710 of 2017

27.02.2025