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W.P.(MD)No.30411 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 16.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.30411 of 2024**

**and**

**WMP(MD)No.25568 of 2024**

S.Sakthivel

... Petitioner

Vs.

The Assistant Director,  
Department of Geology & Mining,  
District Collectorate Campus,  
Virudhunagar.

... Respondent

**Prayer** : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the respondent in R-Dis.KV/1/917/2021 dated 28.11.2024 and quash the same as illegal and consequently direct the respondent to grant mining lease in favour of the petitioner to quarry earth in Survey No.885/3B2, Nenmenni Village, Sattur Taluk, Virudhunagar District within the time that may be stipulated by this Court.

For Petitioner : Mr.Rahul Balaji  
for Mr.M.Mahaboob Athiff



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For Respondents : Mr.R.Baskaran,  
Additional Advocate General assisted by  
Mr.M.Lingadurai,  
Special Government Pleader

Mr.V.R.Shanmuganathan  
for impleading petitioner

Ms.Anantha Devi, Advocate Commissioner

**ORDER**

Heard both sides.

2.The petitioner submitted an application under Rule 19(1)(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 seeking lease of a quarry to remove earth from the petition-mentioned land. The Jurisdictional Revenue Divisional Officer granted no objection certificate as well as the land availability certificate on 22.11.2021. The Assistant Director (Geology and Mining), Virudhunagar conducted spot inspection and approved the mining plan submitted by the petitioner. After conducting spot inspection, she recommended granting of quarry lease vide report dated 24.11.2021. She also certified that the land in question is qualified to be called as "Precise Area Communication" and called upon the appellant to move the State Level Environment Impact Assessment Authority (SEIAA) authority for clearance. The State Level



Environment Impact Assessment Authority (SEIAA) also granted

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environmental clearance vide proceedings dated 19.09.2022. The Tamil Nadu Pollution Control Board also gave their consent to operate the quarry vide communication dated 21.02.2023. Even though all the relevant authorities under the statute had issued proceedings in favour of the writ petitioner, the respondent herein did not issue quarry lease in favour of the writ petitioner. Since the final step was not taken, the writ petitioner filed WP(MD)No.25525 of 2024 for directing the respondent to grant quarry lease. This Court vide order dated 24.10.2024 called upon the respondent to pass orders on the petitioner's application. The order of this Court was communicated to the respondent on 26.10.2024. Since within the time limited stipulated by this Court, no action was taken, contempt notice dated 24.11.2024 was issued. Upon receipt of the same, the impugned order rejecting the petitioner's application came to be passed. Challenging the same, this writ petition came to be filed.

3. Since in the impugned order, it was stated that there are sand deposits in the petition mentioned patta land, this Court appointed an Advocate Commissioner to conduct spot inspection with the assistance of the Geologists and submit report. Pursuant to the



aforsaid direction, the advocate commissioner submitted her report dated 24.06.2025. The said report concludes that in the said land, the current of seasonal streams of river transported the river sand and scattered deposit of river sand is observed.

4.The order impugned in this writ petition was passed on 28.11.2024. After referring to the petitioner's application dated 20.10.2021 and the clearance of the SEIAA issued on 19.09.2022, the respondent herein chose to reject the petitioner's application based on the spot inspection held on 28.11.2024. The impugned order is also passed on the very same day ie., 28.11.2024. There is no record to show that the before conducting such inspection, the petitioner was put on notice. On the very face of it, one can notice that there was a gross violation of principles of natural justice. On this sole ground, the impugned order has to be set aside. Normally, when an order is set aside on technical ground, invariably, the matter will be remanded the matter to the authority concerned to pass orders on merits and in accordance with law. But such a remand order cannot be passed in this case for more than one reason.



5.A mere look at the sequence of events would show that

every other authority had already cleared the petitioner's application.

In fact, the Assistant Director (Geology and Mining), Virudhunagar herself had earlier recommended the petitioner's application and also approved the mining plan. Further, the character of the soil can be determined only by the experts in the field. But on 28.11.2024, a team comprising the Zonal Deputy Tahsildar, Firka Surveyor and the Village Administrative Officer offered their opinion. I am of the view that their opinion cannot outweigh or prevail over the environmental clearance issued by SEIAA or the earlier recommendation made by the respondent herself. Whatever procedural formalities have to be complied with had been complied with. It is not as if an order in favor of the petitioner is being passed in a hurry. The application has been hanging fire since 2021. We are now in September 2025.

6.It is open to the respondent to stipulate appropriate conditions to ensure that no illicit mining takes place. The petitioner can be permitted to remove only earth from the patta land. I am mindful of the fact that a river flows in the vicinity at a distance of 600 meters. Therefore, there has to be strict vigil to ensure that there is no illegal transport of river sand. The petitioner himself is conscious that if at all



he comes across any sand deposit, the quarrying activities will cease at that spot.

7.These stipulations will have to be incorporated by the respondent while executing lease deed. But on the grounds mentioned in the impugned order, the petitioner's application could not have been rejected. It is quashed. The respondent is directed to grant mining lease in favour of the petitioner to quarry earth from the petition mentioned patta lands. This shall be done forthwith and without any delay. A sum of Rs.15,000/- shall be paid by the petitioner to the learned Advocate Commissioner as additional remuneration.

8.This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

**16.09.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
SKM



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The Assistant Director,  
Department of Geology & Mining,  
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**G.R.SWAMINATHAN, J.**

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