

W.P.No.4110 of 2021 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 22.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.4110, 4772 of 2021, 13811 & 18317 of 2020

&

W.M.P.Nos.4686, 4688, 4690, 5384, 5387, 5389 of 2021;

17169, 17172, 17315, 22694, 22695, 22696 of 2020;

11641, 11642, 15862 & 15864 of 2024

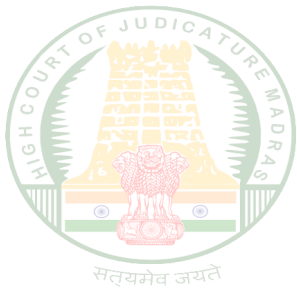
W.P.No.4110 of 2021

R.Thamaraiselvan

.. Petitioner

Vs.

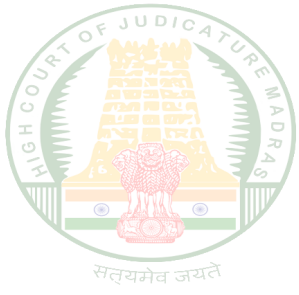
1. Government of India
Rep. by Joint Secretary to Government
Ministry of Mines
Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi 110 001.
2. Government of Tamil Nadu
Rep. by Principal Secretary to Government
Industries (MMC) Department
Secretariat
Chennai 600 009.



W.P.No.4110 of 2021 etc. batch

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3. The District Collector
Krishnagiri District
Krishnagiri.
 4. The Director of Geology & Mines
Department of Geology & Mines
SIDCO Industrial Estate, Guindy
Chennai 600 032.
 5. The Joint Director of Geology & Mines
No.30, Ground Floor, Collectorate
Krishnagiri.
 6. The Government of India
Rep. by its Secretary to Government
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jan Bagh Road, New Delhi 110 003.
 7. Government of Tamil Nadu
Rep. by its Secretary to Government
Environment and Pollution Control
Chennai 600 009.
 8. The Chairman
State Level Environment Impact
Assessment Authority
3rd Floor, Panagal Maligai
Chennai 600 015.
- .. Respondents
- W.P.No.4772 of 2021
- R.Thamaraiselvan .. Petitioner

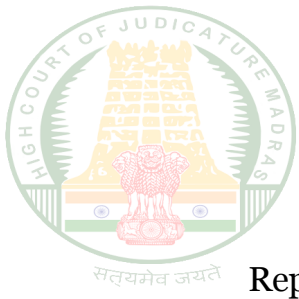


W.P.No.4110 of 2021 etc. batch

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Vs.

1. Government of India
Rep. by Joint Secretary to Government
Ministry of Mines
Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi 110 001.
2. Government of Tamil Nadu
Rep. by Principal Secretary to Government
Industries (MMC) Department
Secretariat
Chennai 600 009.
3. The District Collector
Dharmapuri District
Dharmapuri 636 705.
4. The Director of Geology & Mines
Department of Geology & Mines
SIDCO Industrial Estate, Guindy
Chennai 600 032.
5. The Joint Director of Geology & Mines
Dharmapuri 636 705.
6. The Government of India
Rep. by its Secretary to Government
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jan Bagh Road, New Delhi 110 003.
7. Government of Tamil Nadu



W.P.No.4110 of 2021 etc. batch

WEB COPY

Rep. by its Secretary to Government
Environment and Pollution Control
Chennai 600 009.

8. The Chairman
State Level Environment Impact
Assessment Authority
3rd Floor, Panagal Maligai
Chennai 600 015.

.. Respondents

W.P.No.13811 of 2020

R.Thamaraiselvan

.. Petitioner

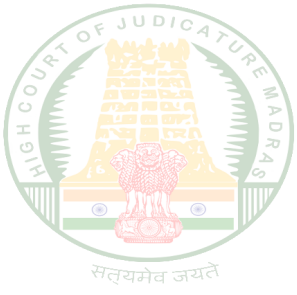
Vs.

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Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi 110 001.

2. Government of Tamil Nadu
Rep. by Principal Secretary to Government
Industries (MMC) Department
Secretariat
Chennai 600 009.

3. The District Collector
Dharmapuri District
Dharmapuri – 636 705.

4. The Joint Director of Geology & Mines
Dharmapuri – 636 705.



W.P.No.4110 of 2021 etc. batch

WEB COPY

5. The Deputy Director of Geology & Mines
Dharmapuri – 636 705.

6. M/s. Sri Mangala Rocks
Rep. by its Managing Partner N.M.Rajen Prabaker
No.256/2, Elumalai Nagar
Narasothipatty, Salem 636 004.

7. Tvl. Perumal Granites
Rep. by its Authorised Signatory P.Sugavanam
S/o. (Late) K.Poongavanam
No.653, Salem Main Road
Kaveirpattinam Post
Krishnagiri 635 112.

8. Tvl. Amman Granites
M.G. Colony, Harur
Rep. by its Managing Partner M.Ramasamy
S/o. Muthu Gounder
MG Colony, Harur
Dharmapuri District.

.. Respondents

[R6 to R8 impleaded vide orders dated
06.03.2024, 26.04.2024 & 08.11.2024 in WMP
Nos.2490, 8408 & 20339/24 respectively]

W.P.No.13817 of 2020

R.Thamaraiselvan

.. Petitioner

Vs.

1. The Government of India



W.P.No.4110 of 2021 etc. batch

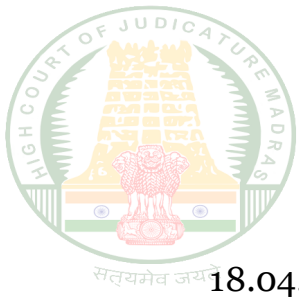
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Rep. by Joint Secretary to Government
Ministry of Mines
Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi 110 001.

2. The Government of Tamil Nadu
Rep. by Principal Secretary to Government
Industries (MMC) Department
Secretariat
Chennai 600 009.
3. The Director of Geology & Mines
Department of Geology & Mines
SIDCO Industrial Estate, Guindy
Chennai 600 032.
4. The District Collector
Krishnagiri District
Krishnagiri.
5. The Joint Director of Geology & Mining
No.30, Ground Floor
Collectorate, Krishnagiri.
6. The Assistant Director of Geology & Mining
No.30, Ground Floor
Collectorate, Krishnagiri.
7. Lakshmi Metallics Private Limited
Rep. by its Managing Director M.Vadivelan
No.77/14-E, Salem Main Road
Dharmapuri 636 701.

.. Respondents

[R7 impleaded vide order dated



W.P.No.4110 of 2021 etc. batch

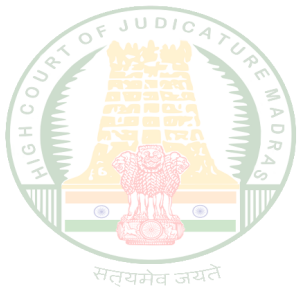
18.04.2024 in WMP No.10605/24]

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Prayer : Petitions filed under Article 226 of the Constitution of India seeking

(i) in W.P.No.4110 of 2021 – a writ of Certiorarified Mandamus calling for the records relating to the impugned Tender-cum-Auction Notification in Roc.No.1113/2020 (Mines) dated 01.02.2021 published in English Daily 'Indian Express' dated 04.02.2021 and Tamil Daily “Dhina Mani” dated 04.02.2021 by the 3rd respondent herein, quash the same as unsustainable in law and consequently direct the respondents herein to strictly follow the statutory order passed by the 1st respondent vide his order No.16/4/2020-M.VI dated 03.06.2020 and the relevant rules in force in the matter of grant of quarry lease for quarrying granites in Government lands at Krishnagiri District;

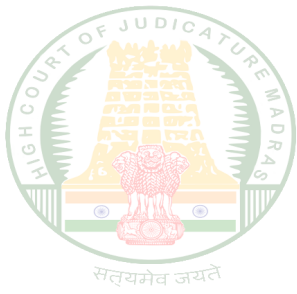
(ii) in W.P.No.4772 of 2021 - a writ of Certiorarified Mandamus calling for the records relating to the impugned Tender-cum-Auction Notification in Roc.No.410/2016 (Mines) dated 18.01.2021 published in English Daily “The Hindu” dated 21.01.2021 and Tamil Daily “Dhina Mani” dated 21.01.2021 by the 3rd respondent herein, quash the same as unsustainable in law and consequently, direct the respondents herein to strictly follow the statutory order passed by the 1st respondent vide his order No.16/4/2020-M.VI dated 03.06.2020 and the relevant Rules in force in the matter of grant of quarry lease for quarrying granites in Government lands at Dharmapuri District;



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(iii) in W.P.No.18311 of 2020 – a writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to Notification Roc.No.410/2016 (Mines) dated 08.09.2020 published in the English Daily 'The Hindu' and Tamil Daily “Dhinamani” dated 10.09.2020, quash the same as without jurisdiction and to issue consequential directions to the respondents to scrupulously implement the guidelines issued by the 1st respondent, Government of India, Ministry of Mines, New Delhi in their Order No.16/4/2020 M-VI dated 03.06.2020 and then initiate steps afresh to grant quarrying lease of granite as per law; and

(iv) in W.P.No.18317 of 2020 - a writ of Certiorarified Mandamus calling for the records relating to the impugned tender cum auction notification issued by 4th respondent in his Rc.No.90/2017/Mines dated 09.10.2020, published in Tamil daily namely Daily Thanthi dated 17.10.2020 in English daily namely The Hindu dated 17.10.2020 and subsequent notification dated 28.10.2020 postponing the tender cum auction on 06.11.2020 and 07.11.2020 respectively issued and published in Daily Thanthi dated 30.10.2020 by the 4th respondent herein, quash the same as unsustainable and consequently direct the respondents 2 to 6 herein to strictly follow the statutory order passed by the 1st respondent vide his order No.16/4/2020-M.VI dated 03.06.2020 and the relevant Rules in force in the matter of grant of quarry lease for quarrying granites from the black and colour granite areas situated in government lands at Krishnagiri District.



W.P.No.4110 of 2021 etc. batch

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For Petitioner in
all W.Ps.

: Mr.C.T.Mohan
Senior Counsel
For Ms.M.Geetha Thamaraiselvan

For Respondents

: W.P.No.4110 of 2021

Dr.D.Simon
for Respondents 1 & 6
Mr.P.S.Raman
Advocate General
Assisted by
Mr.Stalin Abhimanyu
Additional Government Pleader
for Respondents 2 to 5 & 7

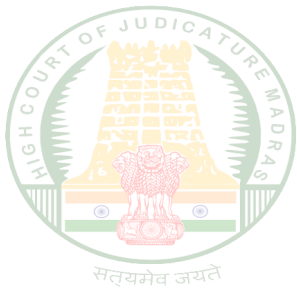
Mr.K.Srinivasamurthy
for Respondent-8

W.P.No.4772 of 2021

Mr.K.Ramanamoorthy
Central Government Counsel
for Respondents 1 & 6

Mr.P.S.Raman
Advocate General
Assisted by Mr.Stalin Abhimanyu
Additional Government Pleader
for Respondents 2 to 5 & 7

Mr.K.Srinivasamurthy
for Respondent-8



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W.P.No.4110 of 2021 etc. batch

W.P.No.18311 of 2020

Mr.K.Subburanga Bharathi
Central Govt. Standing Counsel
for Respondent-1

Mr.P.S.Raman
Advocate General
Assisted by Mr.Stalin Abhimanyu
Additional Government Pleader
for Respondents 2 to 5

Mr.P.R.Raman
Senior Counsel
For Mr.Ashwin Premsundar
for Respondent-6

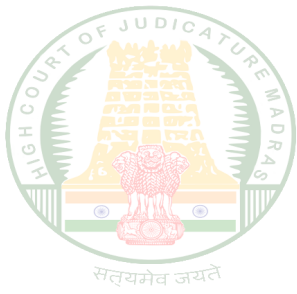
Mr.V.Raghavachari
Senior Counsel
for Mr.S.Tamil Selvan
for Respondent-7

Mr.Abudu Kumar Rajarathnam
Senior Counsel
For Mr.S.Ashok Kumar
for Respondent-8

W.P.No.18317 of 2020

Mr.K.Subburanga Bharathi
Central Govt. Standing Counsel
for Respondent-1

Mr.P.S.Raman
Advocate General



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W.P.No.4110 of 2021 etc. batch

Assisted by
Mr.Stalin Abhimanyu
Additional Government Pleader
for Respondents 2 to 6

Mr.Srinath Sridevan
Senior Counsel
for Mr.P.S.Prabu
for Respondent-7

COMMON ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Petitioner is an advocate by profession, having more than 32 years of standing and practising at Madras High Court. Petitioner was also a Member of Parliament in the year 2009 from Dharmapuri Lok Sabha Constituency and served as such till May, 2014. Petitioner claims to be a social activist and has filed the public interest litigation, W.P.No.4772 of 2021, against the grant of quarry lease for black granites situated in government lands in Dharmapuri District.

2. According to petitioner, having seen the notification dated

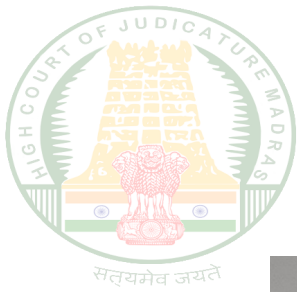


W.P.No.4110 of 2021 etc. batch

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18.01.2021 published in English daily 'The Hindu' in its edition dated 21.01.2021 and Tamil daily 'Dhina Mani' in its edition dated 21.01.2021, he has filed this petition.

3. Petitioner's case is very narrow. According to petitioner, respondent No.3, District Collector, has issued a notification in the newspapers, as mentioned earlier, inviting tenders for 17 areas for quarry lease under Rule 8-A of the Tamil Nadu Minor Mineral Concession Rules, 1959, without following the directions given in the Government Order dated 03.06.2020. For ease of reference, the said order is scanned and reproduced below:



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W.P.No.4110 of 2021 etc. batch

No.16/4/2020-M.VI
Government of India
Ministry of Mines

Shastri Bhawan, Dr. Rajendra Pd. Road,
New Delhi-110 001
Dated: 3rd June, 2020

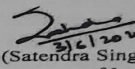
ORDER

WHEREAS the Ministry of Mines is entrusted with the development and regulation of the Mines and Minerals through administration of the Mines and Mineral (Development & Regulation) Act, 1957 and in terms of provisions of sub-section 2(i) of section 20A of the said Act is empowered to issue direction for improvement in procedure for grant of mineral concessions and to ensure co-ordination among agencies entrusted with according statutory clearances.

AND WHEREAS, the successful bidders in auction of mineral blocks are required to obtain several statutory clearances from various authorities of the Central and State Government before starting the mining operations.

AND WHEREAS the Central Government after careful consideration of the matter, is of the opinion that national interest requires that all States should strive to get pre-embedded clearances for the mines which are ready for auction to promote ease of doing business in the mining sector and to expedite the auction process as well as operation of mining lease by a successful bidder in auction.

NOW THEREFORE, the Central Government in exercise of the powers conferred under section 20A of the MMDR Act, 1957, in the national interest directs the State Government to follow the guidelines for pre-embedded clearances annexed with this order and implement the same in letter and spirit.

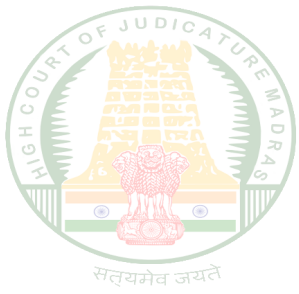

(Satendra Singh)
Joint Secretary to the Government of India
Tel:011-23384886

Encls:- Pre-embedded guidelines (3 pages)

1. Chief Secretaries of the all States.
2. Administrators of Union Territories

Copy for Information to:

1. PS to Hon'ble Minister of Mines
2. PS to Hon'ble Minister of Steel
3. PS to Hon'ble Minister of Coal
4. PS to Hon'ble Minister of Environment, Forest and Climate Change
5. PPS to Secretary (M), PPS to Secretary (Steel), PPS to Secretary (Coal) PPS to Secretary (MOEF &CC)
6. PPS to AS (M)



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4. According to petitioner, as was submitted by Shri.Mohan, this order expressly provides that national interest requires that all States should strive to get pre-embedded clearances for the mines which are ready for auction to promote ease of doing business in the mining sector and to expedite the auction process as well as operation of mining lease by the successful bidder in auction. It was also submitted that the Central Government, in exercise of the powers conferred under Section 20-A of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), in the national interest, has directed the State Government to follow the guidelines for pre-embedded clearances annexed with that order and implement the same in letter and spirit. Shri.Mohan also took us through guidelines annexed to that order.

5. As per the Guidelines, as a policy decision, the Ministry decided to make provision of auction of mineral blocks with pre-embedded clearances to help overcome the delays in operationalisation of mines into production after the auction. The Government of India felt to improve the



W.P.No.4110 of 2021 etc. batch

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business environment and mining sector contribution to the country's GDP and to bring greater participation of companies ensuring better rate of auction and to ensure higher revenue for the State Government in auction as the mineral blocks can start production immediately after allocation, State should strive to get pre-embedded clearances for the mines which are ready for auction. Admittedly, the entire purpose for issuing this notification is 'ease of doing business'. The Guidelines also provide that the State should identify at least five mineral blocks for auction with pre-embedded clearance and these five blocks with pre-embedded clearances may be auctioned along with other mineral blocks without pre-embedded clearances. The Guidelines also prescribe that the auction with pre-embedded clearances should be taken on file on pilot basis.

6. The MMDR Act, which is a Central Act, governs development and regulation of mines and minerals in terms of the powers vested in the Central Government as per the Entry 54 of VII Schedule of the Constitution of India. The MMDR Act, inter alia, provides for procedures to grant mineral concessions regulating mining activities and provisions



W.P.No.4110 of 2021 etc. batch

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for mineral development in the country. The competent authorities of the Central and State Governments make rules in respect of different categories of minerals.

7. Section 3(e) of the MMDR Act defines minor minerals and it reads as under:

“Section 3: In this Act, unless the context otherwise requires -

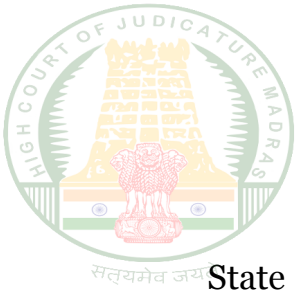
...

(e) “minor minerals” means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral.”

8. The Indian Minerals Yearbook, 2022 provides that the granite, being building stone, comes under minor minerals as defined in Clause (e) of Section 3 of MMDR Act. In ***Secretary, Kerala Granites and Stone Association v. State of Kerala***, the Court has held that granite is a minor mineral as defined under Section 3(e) of the Act.

It was submitted by learned Advocate General appearing for the

1 2003 SCC OnLine Ker 609



W.P.No.4110 of 2021 etc. batch

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State of Tamil Nadu that lease of quarries to private persons in respect of granite is dealt with under Rule 8-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 issued in exercise of the powers conferred by Section 15 of the MMDR Act. Learned Advocate General submitted that the State Government follows the procedure prescribed in the said Rules.

9. In view thereof, in our opinion, the contention of petitioner regarding the order dated 03.06.2020 by the Ministry of Mines was issued for adoption of guidelines for auction of minor minerals, i.e. for granite, is incorrect. In fact, this is the stand taken by the Central Government as well in the affidavit filed by one Shri.V.Jayakrishna Babu, affirmed on 19.01.2021. Similar stand has been taken by Shri.G.C.Sethi in his affidavit dated 24.06.2021 filed on behalf of Government of India in another writ petition.

10. In our view, the issue raised by petitioner, therefore, is under the domain of the State Government. Rule 8-A does not prescribe for any pre-embedded environmental clearances. In fact, in our view, the Central



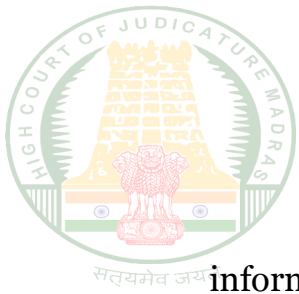
W.P.No.4110 of 2021 etc. batch

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Government, in its order dated 03.06.2020, has only issued a guidance for auction of mineral blocks. The authority to frame rules for granting lease in respect of minor minerals, which would include granite, vests with State Government under Section 15 of the MMDR Act. The pre-embedded clearance involves obtaining environmental clearance.

11. According to Tamil Nadu Minor Mineral Concession Rules, the environmental clearance arises only after the confirmation of auction and issuance of precise area communication by the Government to the successful bidder. The project proponent, that is the successful bidder, with the assistance of qualified person, prepares the mining plan based on the business plan and submits for approval to the authorities concerned. Based on the approved mining plan, Ministry of Environment and Forests and the State Environment Impact Assessment Authority are issuing environmental clearances to the project proponents. Admittedly, in this case, the successful bidder has obtained environmental clearances.

12. We have not gone into the validity of Rule 8A which we are



W.P.No.4110 of 2021 etc. batch

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informed is under consideration before the Apex Court. We have proceeded on the basis that Rule 8A exists, as its applicability has not been stayed.

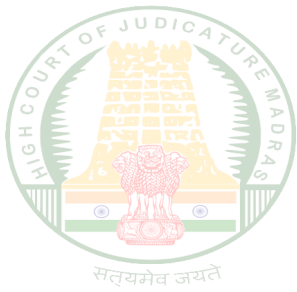
13. In the circumstances, there is no merit in the petition. W.P.No.4772 of 2021 is dismissed.

14. In view of the above order, W.P.Nos.4110 of 2021, 13811 and 13817 of 2020 are also dismissed.

15. Counsel for the private respondents state that because of this petition, crores of rupees invested by them had got stuck and are pressing for costs. The Apex Court in the ***State of Uttaranchal v. Balwant Singh Chaufal [(2010) 3 SCC 402]***, has issued various directions as contained in paragraph 181 thereof, which reads as under:

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

(1) The Courts must encourage genuine and bona fide



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W.P.No.4110 of 2021 etc. batch

PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

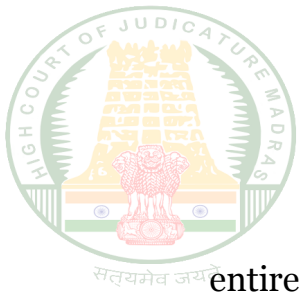
(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”

16. In our view, petitioner who claims to be an advocate ought to have ensured that the Government Order dated 03.06.2020 was really applicable to the facts of this case. Petitioner ought to have researched the



W.P.No.4110 of 2021 etc. batch

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entire issue and approached this Court. Though we are not attributing any motives to petitioner, in our view, this is a complete misadventure. Though we may not say these petitions were filed for extraneous consideration, undoubtedly, it has caused damaged to various parties. Therefore, we direct petitioner to pay a sum of Rs.1.00 lakh in each writ petition, totalling to Rs.4.00 lakh (Rupees four lakh only) as donation to Little Heard Training Centre for Intellectual Disabled Boys (Regn.No.555/2023), No.167/1A-4-A, Gundalapatty Village, Hale Dharmapuri (Post), Dharmapuri 636 701. This shall be paid within four weeks.

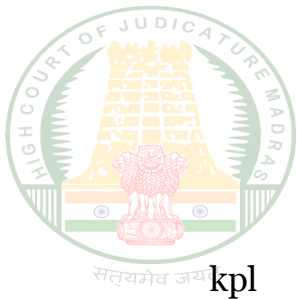
17. Consequently, all interim applications also stand dismissed.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

22.11.2024

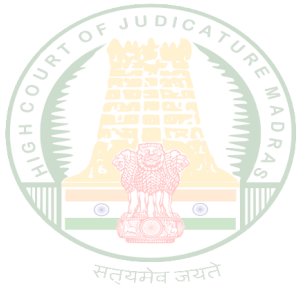
Index : Yes/No
Neutral Citation : Yes/No



W.P.No.4110 of 2021 etc. batch

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To

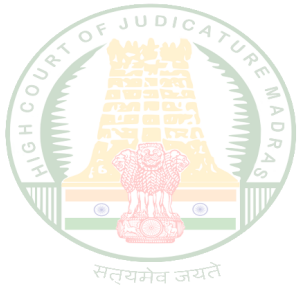
1. The Joint Secretary to Government
Ministry of Mines
Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi 110 001.
2. The Principal Secretary to Government
Industries (MMC) Department
Secretariat, Chennai 600 009.
3. The District Collector
Krishnagiri District, Krishnagiri.
4. The Director of Geology & Mines
Department of Geology & Mines
SIDCO Industrial Estate, Guindy
Chennai 600 032.
5. The Joint Director of Geology & Mines
No.30, Ground Floor, Collectorate
Krishnagiri.
6. The Secretary to Government
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jan Bagh Road, New Delhi 110 003.
7. The Secretary to Government
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Chennai 600 009.



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WEB COPY

8. The Chairman
State Level Environment Impact Assessment Authority
3rd Floor, Panagal Maligai
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10. The Joint Director of Geology & Mines
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Collectorate, Krishnagiri.



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W.P.No.4110 of 2021 etc. batch

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(kpl)

W.P.Nos.4110, 4772 of 2021,
13811 & 18317 of 2020

22.11.2024