



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 32602 of 2025
and WMP.No.37407 of 2025**

S.Murugan

S/o.Shankar, Sathampoondi Village, Desur Post,
Vandavasi, Thiruvannamalai District- 604 501.

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep. By Its Director, Department Of Geology
And Mining, Guindy, Chennai- 32.
2. The District Collector
Thiruvannamalai.
3. The Joint Director
Department Of Geology And Mining,
Thiruvannamalai.
4. The Assistant Director
Department Of Geology And Mining,
Thiruvannamalai.
5. The Member Secretary
State Level Environment Impact Assessment
Authority, Panagal Maaligai, Saidapet,
Chennai- 15.
6. The District Environmental Engineer
The Tamil Nadu Pollution Control Board,
Thiruvannamalai District.
7. The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District.



8. The Village Administrative Officer
Thirakoil Village, Vandavasi Taluk,
Thiruvannamalai District.

9. J.Santhanam

Proprietor, Santhanam Rough Stone And
Gravel Quarry, Thirakoil Village, Vandavasi
Taluk, Thiruvannamalai District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Declaration, declaring that the mining lease granted by the 3rd Respondent to 9th Respondent on 20.01.2025 vide document No.135 of 2025 at the Sub Registrar's Office, Thellar is illegal, invalid and contrary to law and that the 9th respondent cannot carry on any mining operation or stone crushing activity site comprised in the Survey No.241/1B2B3B1A, Survey Nos.241/1A1, 241/1A2 of Santhampoondi Village, Vandavasi Taluk, Tiruvannamalai District.

For Petitioner(s): Mr.T.Saikrishnan

For Respondent(s): MR.J.V.Sakthi Baalakrishnan
Govt. Counsel FOR R1 TO R4 & R6 TO R8
M/S.K.Srinivasa Murthy
SPCCG FOR R5
M/S.G.Vignesh FOR R9

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Declaration, declaring that the mining lease granted by 3rd respondent in favour of 9th respondent on 20.01.2025 vide document No.135 of 2025 at the Sub



Registrar's Office, Thellar is illegal, invalid and contrary to law and consequently declaring that 9th respondent cannot carry on any mining operation or stone crushing activity in the land comprised in Survey No.241/ 1B2B3B1A, Survey Nos.241/1A1, 241/1A2, situated at Santhampoondi Village, Vandavasi Taluk, Tiruvannamalai District.

2. The short question that arises for consideration in the present Writ Petition is whether the mining lease has been granted in respect of the properties comprised in Survey Nos.241/1B2B3B1A, 241/1A1, 241/1A2, situated at Santhampoondi Village, Vandavasi Taluk, Tiruvannamalai District, is in violation of the prohibition contained in Rule 36, particularly Rule 36(1-A)(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 (hereinafter referred to as "TNMMCR"), which reads as under:

"36.(1-A)(a) No lease shall be granted for quarrying stone within 300 metres (three hundred metres) from any inhabited site:

Provided that the existing quarries which are subsisting under current leases shall be entitled for continuance till the expiry of the lease period. The lessees whose quarries lie within a radius of 300 metres from the inhabited site shall undertake blasting operations only after getting permission of the Director of Mines Safety,



WEB COPY



Gorgaum;

Provided further that new and existing units of quarries shall also be required to comply with the Pollution Control Measures (i.e., dust control measures) besides complying with the other conditions in regard to Pollution Control Measures.”

3. In support of the contention that the lease has been granted within the prohibited distance, learned counsel for petitioner also placed reliance on paragraph 6 of the counter affidavit filed by the second respondent, which reads as under:

“6. With regard to paras 11 & 12 of the affidavit it is submitted that, in order to verify the contention put forth by the petitioner regarding houses, house sites, approved lay out of Om Sakthi Garden etc. mentioned in the affidavit, report has been called for from the Tahsildar, Vandavasi. The Tahsildar, Vandavasi has submitted report dated 22.09.2025 stating that,

...

iii. With regard to the approved Layout in the name of “Om Sakthi Garden” in SF No.228/1A1 to 228/1A19, there are no layout stones, pathways, houses etc and the area is barren occupied with plant bushes. More over SF Nos.228/1A, 228/7, 228/11, 228/13, 228/14, 228/16 and 228/17 are DC conditional lands allotted to Scheduled Caste for which there is no rule provision to issue approval for Layouts / house

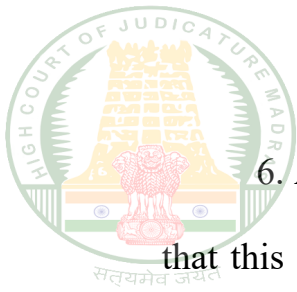


sites.”

WEB COPY

4. Learned Government Counsel appearing for respondents 1 to 4 and 6 to 8, on the other hand, would submit that the averments contained in paragraph 6 of the counter affidavit do not reflect the correct factual position. It was submitted that the reference therein to a layout known as “Om Sakthi Garden” as an approved layout is factually incorrect, since the said layout has not been approved. He would however submit that if petitioner submits a representation setting out as how the lease is in contravention of the prohibition contained in Rule 36 of the TNMMCR, the second respondent would consider the same and pass appropriate orders within the time stipulated by this Court.

5. In view of the above submission, there shall be a direction to petitioner to submit a representation setting out as to how the mining lease is in contravention of the prohibition contained in Rule 36 of the TNMMCR before the second respondent. On receipt of such representation, the second respondent shall consider the same on its own merits and pass appropriate orders in accordance with law, after issuing notice and after affording reasonable opportunity of hearing to petitioner, 9th respondent and any other interested persons within a period of two (2) weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order.



6. All rights and contentions of the parties are left open. It is made clear that this Court has not expressed any views on the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ANU

To

1. The State Of Tamilnadu
Rep. By Its Director, Department Of Geology
And Mining, Guindy, Chennai- 32.
2. The District Collector
Thiruvannamalai.
3. The Joint Director
Department Of Geology And Mining,
Thiruvannamalai.
4. The Assistant Director
Department Of Geology And Mining,
Thiruvannamalai.
5. The Member Secretary
State Level Environment Impact Assessment
Authority, Panagal Maaligai, Saidapet,
Chennai- 15.



WEB COPY

6. The District Environmental Engineer
The Tamil Nadu Pollution Control Board,
Thiruvannamalai District.
7. The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District.
8. The Village Administrative Officer
Thirakoil Village, Vandavasi Taluk,
Thiruvannamalai District.
9. J.Santhanam
Proprietor, Santhanam Rough Stone And
Gravel Quarry, Thirakoil Village, Vandavasi
Taluk, Thiruvannamalai District.



WEB COPY

WP No. 32602 of 2



MOHAMMED SHAFFIQ, J.

ANU

WP No. 32602 of 2025
and WMP.No.37407 of 2025

01-07-2026