WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON: 22-09-2026

ORDERS PRONOUNCED ON:11-11-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 20138 of 2026
and WMP.Nos.21546 to 21548 of 2026

: {HCMA011139272026}

Case QR

Baghya Laksmi
W/o. S. Ramachandiran,
Residing 5/63 Muthugoundanur Village,
Palaarpathi Post, Kinathukadavu Taluk,
Coimbatore 642 109.

..Petitioner(s)

Vs

1. The District Collector,
   Coimbatore
   Collectorate Building,
   Coimbatore 641 018.

2. The Director,
   Department of Mines and Geology, Tamilnadu,
   Alandur Road, Guindy Industrial Estate,
   Guindy, Chennai 600 032.

3. The Joint Director,
   Department of Mines and Geology, Tamilnadu,
   Coimbatore.

4. The Tahsildar,
   Kinathukadavu Taluk, Coimbatore.

5. M/s TVL. Pollachi Granites,
   Rep by its Authorised Person,
   24/1 Alagappa Layout, Venkatesha Colony,
   Pollachi, Coimbatore.

..Respondent(s)

https://www.mhc.tn.gov.in/judis

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the order in Rc.No 1727/ Mines / 2020 dated 13.11.2025 passed by the third respondent and to quash the same and pass such further or other orders.

For Petitioner(s): Mr.Kamalesh Kannan
for Mr.Sunil.S

For Respondent(s): Dr.R.Gouri,
Special Govt. Pleader for RR1 to R4
Mr.M.Velmurugan for R5

ORDER

This Writ Petition is filed for a Writ of Certiorari to call for the records relating to the order in Rc.No.1727/ Mines / 2020 dated 13.11.2025, passed by the third respondent, the Joint Director, Department of Mines and Geology, Coimbatore, Tamil Nadu, and to quash the same.

2. The case of the petitioner is that she is a farmer and has agricultural lands in Muthukaundanur Village, Palaarpathi Post, Kinathukadavu Taluk. She also undertakes silkworm cultivation and coconut farming. The fifth respondent, M/s TVL Pollachi Granites, was granted a quarry lease for rough stone and gravel, with quarrying extending to 2.42.00 Ha at S.F.No.444/1, Sokkanur Village, Kinathukadavu Taluk, Coimbatore District, to excavate 3,52,210 m^3 of rough stone and

https://www.mhc.tn.gov.in/judis

WEB COPY

30,619 m^3 of gravel. The approved depth of the quarry was 27 m below ground level. When permission was granted in 2022, environmental clearance was also issued on 28.03.2022. Due to several other concerns, the petitioner approached the National Green Tribunal (NGT) by filing O.A.No.138 of 2022, praying for an injunction restraining the fifth respondent from quarrying the fertile agricultural lands. The NGT, by a Judgment dated 25.05.2023, dismissed the same. Against that, a Writ Petition was preferred before this Court in W.P.No.17905 of 2023, which was also dismissed. The total quantity of approved minerals has already been quarried. Meanwhile, the present impugned order was passed, granting mining approval for the modified mining plan, with a reserve of 4,87,058 metric tonnes of rough stone and 36,266 metric tonnes of gravel, up to a depth of 62 metres below ground level. The environmental clearance also seems to have been given on 24.03.2026. Under these circumstances, the petitioner has approached this Court against the order granting the modified mining plan.

3. The Writ Petition is resisted by the official respondents and the fifth respondent by filing counter-affidavits.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. The official respondents contended that, in the earlier round of litigation, various environmental concerns, including those relating to the operation of the quarry, had been considered in detail by the NGT and subsequently by this Court, and that the case had been dismissed. There is no prohibition on granting a quarry lease, including on wetlands with agricultural activities. The only restriction is that a clear safety distance of 7.5 meters must be maintained on all four sides of the quarry. The Writ Petition is filed solely on the basis of groundwater seepage caused by the fifth respondent. As Kinathukadavu Taluk is hard rock terrain, groundwater is generally available at depths of 70 to 90 meters. The State Level Environmental Impact Assessment Authority(SEIAA) also granted clearance on 24.03.2026 after considering all aspects. Therefore, there is no merit in the Writ Petition.

5. The fifth respondent has filed a separate counter-affidavit and would submit that the land is not fertile. Only because normal cultivation was not possible, the landowner entered into an agreement with the fifth respondent. After

https://www.mhc.tn.gov.in/judis

WEB COPY

obtaining all licences and due environmental clearance from the SEIAA, the original quarrying was carried out. Subsequently, due to the reserve and ground conditions, the petitioner sought a modified mining plan for the period from 02.11.2025 to 01.06.2027, and the same was granted by the impugned order. Thereafter, the environmental clearance was also obtained.

6. One *Mr.Manikumar* has filed a statutory appeal, challenging the environmental clearance in Appeal No. 17 of 2026, which is pending before the NGT. As far as this petitioner is concerned, this Writ Petition is filed on account of personal enmity, without any substance. The questions raised by the petitioner were already raised in the earlier round of litigation, which this Court and the NGT dismissed.

7. *Mr.Kamalesh Kannan,* the learned counsel appearing for the petitioner, would submit that it is true that when the petitioner moved in an earlier round of litigation, the NGT as well as this Court had dismissed the same. However, referring to the last paragraph of the NGT's order, he would submit that, even at that stage, liberty had been granted to bring any violations of law to the notice of the authorities. He would

https://www.mhc.tn.gov.in/judis

WEB COPY

submit that when a *vaari* runs through the site, the authorities have no justification for sanctioning the modified mineral plan. The entire quarry site, glistening with water, is proof of the same.

8. The learned counsel would further submit that when the fifth respondent originally applied for a quarry at the very same site, they had engaged a Senior Hydrogeologist and obtained a report from him, stating that the water table is at a depth of 7.3 meters. However, when the fifth respondent applied for a modified mining plan, he submitted yet another report from a Hydrogeologist, stating that the water table is located about 110 to 150 meters below ground level. Therefore, despite the different particulars furnished in different hydrogeological reports by private Hydrogeologists engaged by the fifth respondent, the mining plan was granted, and this Court should interfere in the matter.

9. *Per contra, Dr.R.Gouri,* the learned Special Government Pleader, would submit that, upon considering all aspects, including the excavation carried out, the availability of the

https://www.mhc.tn.gov.in/judis

WEB COPY

mineral, and all other factors to be taken into account as per the Tamil Nadu Minor Mineral Concession Rules, the modified mining plan is approved. Even if the petitioner had any environmental concerns, she ought to have raised her objections before the SEIAA at the time of consideration of the application for environmental clearance. Even if any grievance is espoused in respect of the environmental clearance, the petitioner has an appellate remedy before the Tribunal. As a matter of fact, an appeal filed by the third person is pending before the NGT, and even if the petitioner is aggrieved, the petitioner can also join herself as a party in the said pending appeal and raise all the grounds relating to environmental concerns therein.

10. As far as the mining authority is concerned, it has to consider the modified mining plan strictly in accordance with the rules. After considering the geological conditions, the quantity of mineral removed, and other relevant aspects, the modified mining plan has been approved. Therefore, the Writ Petition has to be dismissed.

https://www.mhc.tn.gov.in/judis

WEB COPY

11. *Mr.Velmurugan*, the learned counsel appearing for the fifth respondent, would submit that in the earlier round, the NGT as well as this Court has categorically held that the petitioner is approaching the Court only on account of personal enmity. He is not the owner of the adjacent land. He has no *locus standi.* This Writ Petition is not filed as a public interest litigation. The grounds raised that there is a *vaari* and the water table depletion were expressly raised in the earlier round and have been answered by the Division Bench of this Court. Therefore, this Writ Petition is an abuse of the process of law and must be dismissed with exemplary costs.

12. I have considered the rival submissions made on either side and perused the material records of the case.

13. As rightly pointed out by the learned counsel for the fifth respondent, a perusal of paragraph No.5 of the Judgment dated 22.03.2024 in W.P.Nos.17905 of 2023 etc., shows that the petitioner has raised two grounds, namely, that the quarry site interferes with a *vaari* or water channel and that the groundwater is depleting in the area, and that no quarry should

https://www.mhc.tn.gov.in/judis

WEB COPY

be permitted. The NGT and thereafter the Division Bench of this Court considered those grounds on merits, ultimately found that everything had been duly considered and that environmental clearance had been granted, and dismissed the Writ Petition. It was also found that the litigation appears to be motivated by personal enmity. In view thereof, the second round of litigation cannot be entertained by the very same petitioner, for the said grounds already answered.

14. At the same time, this Court cannot simply dismiss the Writ Petition and leave the matter as such, in view of some of the subsequent facts brought to the notice of the Court. A new fact brought by way of this Writ Petition is that, originally, to obtain a mining plan up to 27 meters, the fifth respondent submitted a report of the Senior Hydrogeologist, Mr G. Kanagarajan. The report mentions that the water table starts at a depth of 7.3 meters and the water-yielding formation is at a depth of 9 meters to 26 meters, and the authorities have considered the same and granted the original mining plan. The issue in the context of the present writ petition relates only to the exercise of statutory power under the Tamil Nadu Minor

https://www.mhc.tn.gov.in/judis

WEB COPY

Mineral Concession Rules, 1959, putting it beyond the purview of the National Green Tribunal to be raised in the pending appeal and thus has to be considered by this Court.

15. To obtain the present modified mining plan, the fifth respondent has now submitted yet another Hydrogeological report by Dr R. Suresh, Associate Professor, Department of Geology, Periyar University. A perusal of the report's conclusions and recommendations indicates that, in the mining lease area, groundwater occurs at greater depths, depending on the intensity of weathering and the formation's dip. No major intersections with the water table are expected up to 100 meters. It is further stated that aquifers are located at 110 to 115 meters below ground level.

16. In this context, it must be noted that the mining plan provides a statutory framework for the scientific and systematic extraction of minerals, specifying, *inter alia*, the depth of mining, the method of mining, etc. Under Rule 41 of the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short 'the Rules'), a mining plan is a prerequisite to the grant of a lease.

https://www.mhc.tn.gov.in/judis

WEB COPY

Under Rule 41 (3), the mining plan shall not be approved unless it is prepared by a qualified person. While granting approval, the factors to be considered are enumerated under Rules 41 (7) and (8). The manner in which the mining plan should be reviewed and modified has been mentioned in Rule 41 (9).

17. In ***Deepak Kumar and Others Vs. State of Haryana and Others***[1], when the core group was formed to consider issues relating to quarrying minor minerals, the depth of mining to minimise adverse impact on the hydrogeological regime was also mentioned at paragraph No.17 (v) of the Judgment. Pursuant thereto, in paragraph No.22, recommendations were made, and in Sl.No.6, it was recommended that a hydrogeological report be prepared for the proposed mining below the groundwater table. In paragraph No.24, the Hon'ble Supreme Court of India directed that all the State Governments should give due weightage to the aforesaid recommendations. In paragraph No.26, the Hon'ble Supreme Court of India specifically held that the mining plan should have an effective framework that takes care of all environmental issues, evolves a long-term, rational, and sustainable use of the natural resource base, and includes

[1] (2012) 4 SCC 629

https://www.mhc.tn.gov.in/judis

WEB COPY

the bio-assessment protocol.

18. Thus, the contention of the learned Special Government Pleader that depletion of the groundwater table can be considered only at the stage of environmental clearance and not at the stage of modification of the mining plan is unacceptable. It must be noted that both interception of the groundwater table and its depletion are issues that must be considered even while granting the modified mining plan. The Hon'ble Supreme Court of India in ***M.C.Metha Vs. Union of India***[2] considered the issue of groundwater table depletion while granting quarrying permits and issued several directions with reference to the Aravalli area and the maintenance of the groundwater table.

19. Further, the grant of a modified mining plan is not an empty formality and falls within the precautionary principle advocated by the Hon'ble Supreme Court of India in ***Vellore Citizens Welfare Forum Vs. Union of India***[3], which requires anticipatory protection against serious environmental harm. In this case, the facts are alarming. If, from 9 meters, the

[2] (2004) 12 SCC 118
[3] (1996) 5 SCC 647

https://www.mhc.tn.gov.in/judis

WEB COPY

groundwater table has suddenly gone below 100 meters, then, apart *from* the study made by the hydrogeologist engaged by the fifth respondent, it is the duty of the authority granting the mining plan to have applied its mind and ascertained whether the depletion occurred pending the mining activity, and, if so, whether it is attributable to the grant of mining. If granting permission up to 27 meters has led to the depletion from 9 meters to 100 meters, what would be the effect of granting permission up to 62 meters?

20. It must be further noted that while granting permission for the modified mining plan, no such application of mind or exercise of discretion was made by the appropriate authority. The groundwater is contended to be below 100 meters. It was stated that the groundwater table was only at 9 meters, and permission was granted up to 27 meters. Now, to deny interception, the report is submitted as if the groundwater table is below 100 meters and there is no interception.

21. It is in this regard, interception is not the only factor, but depletion is also a factor. Therefore, even if the petitioner's

https://www.mhc.tn.gov.in/judis

WEB COPY

prayer is held untenable, as per the dictum laid down by the Hon'ble Supreme Court of India in ***State of Telangana Vs. Mohd. Abdul Qasim (Died) Per Lrs.***[4], every court has a constitutional duty to protect and preserve the environment. Courts must apply the principles of *parens patriae* in light of the powers enshrined under Articles 48 A, 41 A, 21, 14 and 19 of the Constitution of India.

22. In view thereof, this Writ Petition is disposed of on the following terms:

(i) The prayer made by the petitioner as such shall stand refused;

(ii) Notwithstanding the modified mining plan granted, the third respondent shall engage two hydrogeological experts, one from Anna University and the other from IIT, Madras and:

A. Cause an inspection of the area;

B. Obtain a report as to all aspects relating to the groundwater table in the area, viz., Muthukaundanur Village, Palaarpathi Post, Kinathukadavu Taluk, Coimbatore District;

C. Ascertain whether there are concerns about interference as well as depletion on attributable to the grant of mining

[4] (2024) 6 SCC 461

https://www.mhc.tn.gov.in/judis

WEB COPY

permission and whether increasing the depth will have an adverse effect on the same;

D. If there is a concern/likely adverse effect about the same, give an opportunity of hearing to the fifth respondent and pass further orders relating to the mining plan that is granted as per Rules 41 and 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959;

E. The aforesaid exercise shall be completed within a period of four months from the date of receipt of the website-uploaded copy of this order;

(iii) No costs. Consequently, the connected miscellaneous petitions are closed.

11-11-2026

Neutral Citation: Yes/No

Jer

To

1.The District Collector,
Collectorate Building,
Coimbatore 641 018.

2.The Director,
Department of Mines and Geology,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai 600 032.

https://www.mhc.tn.gov.in/judis

WEB COPY

3.The Joint Director,
Department of Mines and Geology,
Coimbatore.

4.The Tahsildar,
Kinathukadavu Taluk, Coimbatore.

https://www.mhc.tn.gov.in/judis

2026:MHC:4511

Order QR

WEB COPY

D.BHARATHA CHAKRAVARTHY, J.

Jer

WP No. 20138 of 2026

11-11-2026

https://www.mhc.tn.gov.in/judis