

W.A.Nos.947 of 2017 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.08.2025

PRONOUNCED ON: 15.12.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH  
and  
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

**W.A.Nos.947, 949 & 948 of 2017**  
**and CMP.Nos.13208, 13200, 13203, 13204,**  
**13205, 13201, 13207 & 13206 of 2017**  
**and WMP.Nos.12074 & 12076 of 2019**  
**and WMP.Nos.12281, 12285, 12283,**  
**12284, 12280 & 12282 of 2017**  
**and WMP.Nos.28439 & 28850 of 2018**  
**and WP.Nos.5414 & 5466 of 2015**  
**and WP.Nos.11341 & 11340 of 2017**  
**and M.P.Nos.1, 1, 1 & 1 of 2015**

**WA.No.947 of 2017:**

Dalmia Cement (Bharat) Limited  
Registered off: Dalmiapuram – 621 651,  
Lalgudi Taluk, Trichy District  
Rep by its Senior General Manager

.. Appellant

VS

1.The Union of India,  
Rep by the Secretary to Government,  
Ministry of Mines,  
Department of Mines,  
3<sup>rd</sup> Floor, A wing, Shastri Bhawan,  
New Delhi 110001

2.The State of Tamil Nadu,  
Rep by the Secretary to Government,



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Industries (MMA2) Department,  
Secretariat, Fort St. George,  
Chennai-600 009.

3.The District Revenue Officer,  
District Collectorate  
Ariyalur District-621 704.

4.M/s.Tamil Nadu Cement Corporation,  
Rep by its Chairman & Managing Director,  
Second Floor, LLA Building,  
735, Anna Salai,  
Chennai-600 002.

..Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent against order dated 30.06.2017 made in W.P.No.16316 of 2017 on the file of this Court.

Case Nos.	For Appellants/ Petitioners	For Respondents
WA.Nos.947, 948 & 949 of 2017 and W.P.Nos.11340 & 11341 of 2017 and W.P.Nos.5415 & 5466 of 2015	Mr.AL.Somayaji, Senior Counsel for Mr.Rahul Balaji	Mr.Madhana Gopala Rao, Senior Central Government Standing Counsel (for R1)  Mr.J.Ravindran, Additional Advocate General assisted by Mr.Alagu Gowtham, Government Advocate (for R2 & R3)  Mr.R.Viduthalai, Senior Counsel for Mr.A.Sivaji (for R4)



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**COMMON JUDGMENT**  
**(Delivered by Dr.ANITA SUMANTH.,J)**

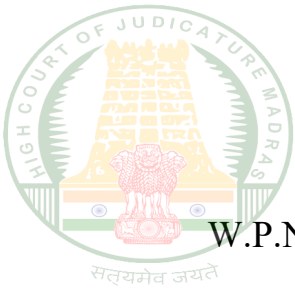
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This common order disposes three Writ Appeals and four Writ Petitions, as the facts and circumstances involved, as well as the issues that arise for consideration, are intertwined and common.

2. The Writ Petitioner is the appellant and is hereinafter referred to as Dalmia, writ petitioner or appellant. W.P.Nos.5414 and 5466 of 2015 were filed by Dalmia seeking writs of Mandamus directing the State of Tamil Nadu to consider the petitioner's applications for mining lease, both dated 12.02.1996, and grant lease in favour of 15.48.0 hectares in Periyanaagalur and Kairulabad Villages in Ariyalur Taluk and 26.94.0 hectares in Ameenabad, Kairulabad and Kallankurichi Villages in Ariyalur Taluk, without insisting for any proposal from the District Collector.

3. The remaining two Writ Petitions, viz., W.P.No.11340 and 11341 of 2017 challenge show cause notices dated 11.03.2017 issued by the District Collector, Ariyalur under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (in short '1997 Act') in respect of lands admeasuring 7.38.5 and 3.94.5 hectares in Periyanaagalur Village, Ariyalur District.

4. The Writ Appeals arise out of order dated 30.06.2017 passed in



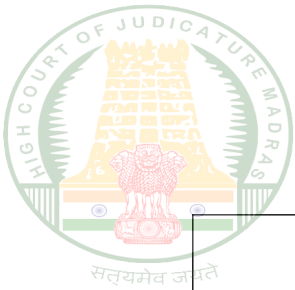
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W.P.Nos.16316, 16404 and 16405 of 2017, where the challenge was to show cause notices, all dated 02.05.2017 issued by the District Revenue Officer and seeking consequential mandamus forbearing the respondents from interfering with the possession of the appellants of lands ad measuring 7.10.5 and 5.05.5 hectares in Ameenabad Village, Ariyalur District and 2.76.0 hectares in Kairulabad Village, Ariyalur District.

5. Those Writ Petitions had been dismissed on 30.06.2017 after consideration of several decisions to the effect that the power of acquisition was an independent power of the State. The Court was of the view that a challenge to show cause notice must not be entertained, since the entire proceedings for land acquisition would be stalled, which would be contrary to public welfare and public schemes. Hence, the Writ Petitions were dismissed as non-maintainable.

6. The particulars of writ petitions, including the relief sought for are tabulated below:-

<b>CASE REFERENCE</b>	<b>RELIEF SOUGHT FOR</b>
<i>WP No. 5414 of 2015</i>	<i>Writ of Mandamus directing the 2<sup>nd</sup> Respondent to consider the Petitioner's application for mining lease dated 12.02.1996 and grant mining lease in favour of 15.48.0 hectares in Periyangalur and Kairulabad Villages in Ariyalur Taluk, without insisting for any proposal from the 3<sup>rd</sup> Respondent in terms of the letter dated 29.4.2010 issued by the 2<sup>nd</sup> Respondent.</i>
<i>WP No. 5466 of 2015</i>	<i>Writ of Mandamus directing the 2<sup>nd</sup> Respondent</i>

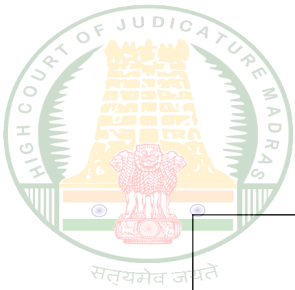


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	<i>to consider the Petitioner's application for mining lease dated 12.02.1996 and grant mining lease in favour of 26.94.0 hectares in Ameenabad, Kairulabad and Kallankurichi Villages in Ariyalur Taluk, without insisting for any proposal from the 3<sup>rd</sup> Respondent in terms of the letter dated 29.4.2010 issued by the 2<sup>nd</sup> Respondent.</i>
<i>WP No. 11340 of 2017</i>	<i>Writ of Certiorarified Mandamus challenging the Show Cause Notice in Na.Ka.No. D1/5290/15 issued by the 3<sup>rd</sup> Respondent on 11.3.2017 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of lands admeasuring 3.94.5 Hectares in Periyagalur Village and consequently forbearing the Respondents from in any manner claiming or interfering with the peaceful possession and enjoyment of the Petitioner's said land in Periyagalur Village, Ariyalur District.</i>
<i>WP No. 11341 of 2017</i>	<i>Writ of Certiorarified Mandamus challenging the Show Cause Notice in Na.Ka.No.D1/5289/15 issued by the 3<sup>rd</sup> Respondent on 11.3.2017 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of lands admeasuring 7.38.5 Hectares in Periyagalur Village, Ariyalur District, and consequently forbearing the Respondents from in any manner claiming or interfering with the peaceful possession and enjoyment of the Petitioner's said lands in Periyagalur Village, Ariyalur District.</i>
<i>W.A.No. 947 of 2017 against W.P.No.16316 of 2016</i>	<i>Writ of Certiorarified Mandamus challenging the Show Cause Notice in Na.Ka.No.D1/6532/15 issued by the 3<sup>rd</sup> Respondent on 02.05.2017 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of lands admeasuring 7.10.5 Hectares in Ameenabad Village, Ariyalur District, and</i>



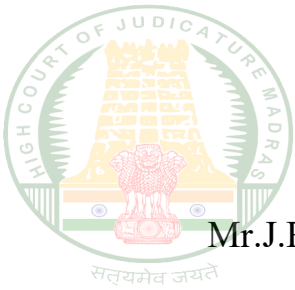
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	<i>consequently forbearing the Respondents from in any manner claiming or interfering with the peaceful possession and enjoyment of the said Petitioner's land in Ameenabad Village, Ariyalur District.</i>
<i>W.A.No. 948 of 2017 against W.P.No. 16404 of 2017</i>	<i>Writ of Certiorarified Mandamus challenging the Show Cause Notice in Na.Ka.No. D1/6533/15 issued by the 3<sup>rd</sup> Respondent on 02.05.2017 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of lands admeasuring 5.05.5 Hectares in Ameenabad Village, Ariyalur District, and consequently forbearing the Respondents from in any manner claiming or interfering with the peaceful possession and enjoyment of the said Petitioner's land in Ameenabad Village, Ariyalur District.</i>
<i>W.A.No. 949 of 2017 against W.P.No. 16405 of 2017</i>	<i>Writ of Certiorarified Mandamus challenging the Show Cause Notice in Na.Ka.No.D1/5222/15 issued by the 3<sup>rd</sup> Respondent on 02.05.2017 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 in respect of lands admeasuring 2.76.0 Hectares in Kairalabath Village, Ariyalur District and consequently forbearing the Respondents from in any manner claiming or interfering with the peaceful possession and enjoyment of the said Petitioner's land in Kairlabath Village, Ariyalur District.</i>

7. We have heard the detailed submissions of Mr.Somayaji, learned Senior Counsel for Ms.Surasika Parthasarathy for Dalmia, Mr.Viduthalai, learned Senior Counsel for Mr.A.Sivaji, learned counsel for the Tamil Nadu Cements Corporation Limited (TANCEM) and



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Mr.J.Ravindran, learned Additional Advocate General for Mr.Alagu Gowtham, learned Government Advocate for the State.

8. Dalmia is stated to be engaged since 1939, in the manufacture of cement. The first plant was set up in 1939 in Dalmiapuram, and presently runs at a total production capacity of 4.25 billion tonnes of cement per annum.

9. According to Dalmia, in 1993, the Government of Tamil Nadu granted permission in its favour to acquire and hold 859.01 ordinary acres (equivalent to 286.337 standard acres) in Vallur Valajanagaram and Anandavadi Villages in Ariyalur Taluk, for mining of limestone, a major mineral.

10. O.S.No. 392 of 1994 was instituted by TANCEM against various private cement companies, including Dalmia, seeking a declaration that TANCEM holds a deemed prospecting licence as per Section 11 of the Mines and Minerals (Development and Regulation) Act, 1957 (in short, 'MMDR Act'), for those areas covered under its letter dated 26.11.1988.

11. A permanent injunction was also sought seeking to restrain the State Government for granting mining leases to private cement companies and to restrain private cement companies, including the appellant from operating on those lands where TANCEM sought the





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preferential right. The suit has been transferred to the file of District Munsif, Court, Tiruchirappalli in 1996 and has been re-numbered as O.S.No. 1450 of 1996, pending as on date.

12. Mr.Somayaji would submit that the suit was itself not maintainable as Section 30 of the MMDR Act bar the jurisdiction of Civil Courts conferring only the Central Government with the power of revision as against orders passed by the competent state authority.

13. TANCEM had requested the Commissioner of Land Administration (CLA) vide letter dated 16.07.1994 for administrative sanction for acquisition of the lands adumbrated therein under the Land Acquisition Act and through private negotiation, and on 13.02.1995, TANCEM also filed a mining lease application in respect of those lands.

14. On 15.05.1995, G.O.(Ms) No. 123 was issued by the Government of Tamil Nadu, according administrative approval for acquisition of 130.34.0 hectare of patta lands and 15.20.5 hectares of poramboke lands in Ameenabad, Kairulabad, Periyanaalur and Kallankurichi Villages, Ariyalur Taluk, Tiruchirappalli District, in all 145 hectares (approx) through acquisition and private negotiation.

15. On the heels of that G.O., Dalmia purchased 11.665 hectares of patta lands in Periyanaalur and Kairulabad Villages, Ariyalur Taluk and 24.07.0 hectare of patta lands in Ameenabad, Kairulabad and





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Kallankurichi Villages, Ariyalur Taluk, Tiruchirappalli District.

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16. According to Dalmia, it also holds 3.815 hectare poramboke land in Periyanaalur and Kairulabad Villages, Ariyalur Taluk and 2.87 hectares poramboke lands in Ameenabad, Kairulabad and Kallankurichi Villages, the latter two being the subject matter of litigation in W.P.Nos.5414 & 5466 of 2015. The particulars of land holdings covered under the aforesaid two writ petitions, both prior and subsequent to G.O. (Ms).No. 123 dated 15.05.1995 have been furnished by Dalmia as follows:-

(i) *W.P.No. 5414 of 2015*

<i><b>Village</b></i>	<i><b>Extent Purchased Before (Hectares)</b></i>	<i><b>Extent Purchased After (Hectares)</b></i>
<i>Perianagalur</i>	<i>4.405</i>	<i>4.505</i>
<i>Kairulabad</i>	<i>2.23</i>	<i>0.525</i>
<i>Total</i>	<i>6.635</i>	<i>5.03</i>
<i>Grand Total</i>	<i>11.665</i>	

(ii) *W.P.No. 5466 of 2015*

<i><b>Village</b></i>	<i><b>Extent Purchased Before (Hectares)</b></i>	<i><b>Extent Purchased After (Hectares)</b></i>
<i>Ameenabad</i>	<i>16.390</i>	<i>6.935</i>
<i>Kairulabad</i>	<i>-</i>	<i>0.110</i>
<i>Kallankurichi</i>	<i>0.635</i>	<i>-</i>



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<i>Total</i>	<i>17.025</i>	<i>7.045</i>
<i>Grand Total</i>	<i>24.70</i>	

17. While so, the petitioner made two applications for grant of mining leases for lime stone in respect of (i) 20.09.0 hectares in Perianagalur Village, Ariyalur taluk and (ii) 24.34.02 hectares in Aminabad and Kallankurichi Villages.

18. On 03.09.1996, the Government recommended rejection of TANCEM's application in respect of 145.5.45 hectares, for want of evidence of TANCEM possessing surface rights over the aforesaid land. On 11.8.1998, TANCEM requested before the Assistant Commissioner (Land Reforms, Tiruchirappalli), for the withholding of permission under Section 37A of the Land Reforms Act to private cement companies, in respect of the lands covered under G.O.(Ms).No.123 dated 15.05.1995, and reiterated the request by letters dated 2.9.1998 and 21.11.1998.

19. On 28.11.2000 and 28.08.2002, the Land Acquisition Officer and Special Tahsildar (LA) Unit II, TANCEM, issued draft awards in favour of TANCEM in respect of the lands at Kallankurichi & Kairulabad Villages, which according to Dalmia, constitute private patta lands, owned by individuals and companies, including the appellant.

20. These lands are different and distinct from the land holdings



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covered under W.P.Nos.5414 and 5466 of 2015. TANCEM reiterated its earlier request for withholding of permission for exploitation of the subject lands by private cement companies by letter dated 06.10.2001 and reiterated its request for assignment of those lands in its favour.

21. On 17.01.2003 and 17.02.2003, Notifications were issued under Section 4(1) of the Land Acquisition Act, 1894 (LA Act, 1894) in respect of the lands admeasuring 9.980 hectares in Kairalabad, Ameenabath and Periyaganalur Villages. Those notifications were cancelled on 25.04.2005, 30.04.2005 and 17.05.2005.

22. In the meanwhile, TANCEM continued its request to the authorities vide several letters dated 02.12.2003, 19.01.2005 and 17.06.2005 seeking NOC for acquisition of lands in its favour.

23. Mr.Viduthalai, learned Senior Counsel for Mr.A.Sivaji, learned counsel for TANCEM submits that, in fact, it is TANCEM that has commenced prospecting operations even prior to Dalmia, in association with the State Geology and Mining Department, even as early as between 1971 to 1973.

24. A document is produced before us entitled '*Report on the detailed investigation of the limestone deposits in Kallankurichi, Kairulabad, Periyaganalur, Ameenabad and Valajanagaram Villages, Ariyalur Taluk, Tiruchirapalli District (Phase IV)*'. The report is by the



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Director and Assistant Director of the Department of Geology and Mining, Madras and the Chief Geologist of TANCEM, Ariyalur Works, Ariyalur and is of 1989 vintage. According to TANCEM, this Report will indicate not just the interest of TANCEM but also the action taken by them, and consequently the preferential claim in its favour.

25. This report is objected to by Dalmia that points out that a mere Report would not tantamount to a prospecting licence, particularly in light of the admitted position that no prospecting licence has, admittedly, been issued in favour of TANCEM. Hence, even assuming that some investigations had taken place in 1995 or even earlier, it would not enure to any preferential right that may be claimed by TANCEM.

26. Mr.Viduthalai, would take us in detail through an order of the Division Bench in W.A.Nos.89 of 2003 and batch filed in *Dalmia Cement (Bharat) Limited V. State of Tamil Nadu*. That decision is dated 16.10.2006 and relates to acquisition in Ariyalur and Trichy. The battle between TANCEM and Dalmia thus goes back many years.

27. In that writ petition, Dalmia had challenged land acquisition proceedings in relation to several other parcels of land, and had lost, before both the learned single Judge and Division Bench of this Court. Civil Appeals filed before the Supreme Court (Civil Appeal Nos.3438 to 3440 of 2008) also came to be dismissed on 05.05.2017.



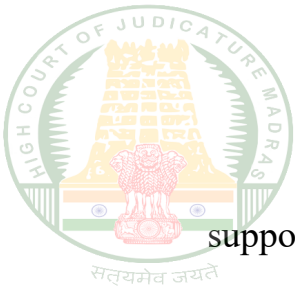
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28. The only caveat given to the appellant by the Supreme Court was liberty to file an application under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if they so desired. The Supreme Court held that if any application was filed, then the same shall be decided in accordance with law.

29. According to both Mr.Viduthalai and Mr.Ravindran, all the legal issues raised by the parties in the present matter have been heard and decided in that decision. We have perused that order and find, in paragraph 19 thereof, the finding that the acquisition proceedings were wholesome and composite.

30. The Bench has also held that Rule 58 of the Mineral Concession Rules, 1960 empowered the State Government to make a reservation and hence there was nothing untoward in the State Government invoking the provisions of the Land Acquisition Act and making such reservation.

31. The Bench has touched upon the question of motives raised in that writ petition, not finding the same credible of acceptance. In the present case, the question of malafides was not raised at the first instance and it is only in the rejoinder that the question has been tentatively alluded to. For the aforesaid reasons, and as there is no material in



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support of such submission even otherwise, we are wholly disinclined to accept the submission regarding malafides and reject the same.

32. As far as the State is concerned, Mr.J.Ravindran argues that the Writ Appeals challenging the show cause notices are wholly premature and the mandamus and positive directions sought for in the writ petitions simply cannot be legitimately considered by the Court. On the merits of the matter, he would defend the acquisition proceedings, pointing out that, in any event, the matter stood only at the stage of show cause notice.

33. Having heard all learned counsel, we are of the opinion that the respondents must succeed. We are not inclined to issue mandamus as sought for, as the grant of a mining lease is wholly conditional upon the applicant satisfying the requirements under the relevant Statute and Rules for grant of such a lease. The question of issuing mandamus, as sought for, hence, does not arise.

34. The petitioners have relied on the interim order granted by this Court on 03.01.2017 in W.P.Nos.5414 and 5466 of 2015 that reads thus,

*1. Notice in these writ petitions were issued on 02.03.2015. Despite the respondents having been served in the matter, no counter has been filed by respondent Nos 2 & 3 till today. The only respondent, who has filed the counter-affidavit is respondent No.1.*

*2. Learned counsel for the petitioner says that, if a mining lease is not executed before 11.01.2011, the said Writ Petitions will be rendered infructuous. This aspect is not disputed before me by counsels for respondents.*



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2.1 For this purpose, the learned counsel for the petitioner draws my attention to Section 10A (2) (c) of the Mines and Minerals Development and Regulations) Act, 1957 (in short, the 1957 Act). Furthermore, the learned counsel for the petitioner draws my attention to the communication, dated 29.04.2010, addressed by respondent No.2 to respondent No.3, to seek support for her contention, that the subject parcel of land, in respect of which respondent No.2 has taken a decision vide communication dated 12.07.2005 to grant a mining lease in favour of the petitioners, are to be excluded from the Government Order No.123, dated 15.05.1995.

2.2 Learned counsel also indicated to me that in the interregnum, as required by respondent No. 2 vide its communication dated 12.07.2005, the petitioner has also obtained a mining plan and an Environment and Forest clearance certificate

3. Learned counsel for the respondent No.3, on the other hand, says that a prospecting license has been issued in favour of the said respondent, and therefore, a mining lease cannot be executed in favour of the petitioner.

4. The difficulty that I am confronted with today, is that, neither respondent No.2 nor respondent No.3 has filed a counter affidavit in the matter, while the statutory limitation for executing of the mining lease is said to expire on 11.01.2017. Therefore, if no interim protection is granted, quite obviously, the Writ Petitions will be rendered infructuous.

4.1 Therefore, in these circumstances, respondent No.2 is directed to execute a mining lease in favour of the petitioner with a caveat that no mining activity will be carried out by the petitioner till the captioned Writ Petition is disposed of. Furthermore, no rights will be claimed by the petitioner merely because, a mining lease is executed in its favour. This proteam measure has been put in place, only to get over the possible impediment, which may arise, in case the petitioner, were to otherwise, succeed in the present proceedings.

5. I may also indicate that similar orders, evidently, have been passed by the High Court of Madhya Pradesh.

5.1 Learned counsel for the petitioner, in this behalf, has placed before me a copy of one such order, which is, dated 12.09.2016. The said order has been passed by the





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*Division Bench of the Madhya Pradesh High Court in W.P.No.14226 of 2016, titled: M/S.Anand Mining Corporation Vs. Union of India.*

*6. The respondent Nos.2 & 3 shall filed their counter affidavits within two (2) weeks from today.*

*7. Rejoinder, thereto, if any be filed before the next date of hearing.*

*8. Re-notify on 23.02.2017.*

35. The above order is only an act of grace, purely to ensure that the cut-off date stipulated under the Statute would not result in frustrating the writ petitions and rendering them infructuous. No benefit beyond that can be sought by the appellant.

36. We are today deciding a plea for mandamus put forth by the petitioner in 2015. On 16.01.1980, Rule 58 was introduced in the Mining Concessions Rules, 1960 (in short, 'Rules') which provided for reservation of areas in the public sector for the exploitation of mining. The Rule was omitted on 13.04.1988. On 10.02.1987, Section 17A of the MMDR Act was introduced and has been in effect from that date onwards.

37. In our view, the question of whether at all TANCEM holds a reservation in its favour is, in our view, academic today, in light of the 2015 amendment to the MMDR Act that requires the grant of mining leases for major minerals to be by way of public auction only. Section 10B reads thus:



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10B. Grant of mining lease in respect of notified minerals through auction.—(1) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which the minerals do not vest in the Government.

(2) Where there is inadequate evidence to show the existence of mineral contents of any notified mineral in respect of any area, a State Government may, after obtaining the previous approval of the Central Government, grant a prospecting licence-cum-mining lease for the said notified mineral in such area in accordance with the procedure laid down in section 11.

(3) In areas where the existence of mineral contents of any notified mineral is established in the manner prescribed by the Central Government, the State Government shall notify such areas for grant of mining leases for such notified mineral, the terms and conditions subject to which such mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(4) For the purpose of granting a mining lease in respect of any notified mineral in such notified area, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

(5) The Central Government shall prescribe the terms and conditions, and procedure, subject to which the auction shall be conducted, including the bidding parameters for the selection, which may include a share in the production of the mineral, or any payment linked to the royalty payable, or any other relevant parameter, or any combination or modification of them.

(6) Without prejudice to the generality of sub-section (5), the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted:

*Provided that the terms and conditions may include the*



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*reservation of any particular mine or mines for a particular end-use and subject to such condition which allow only such eligible end users to participate in the auction.*

*(7) The State Government shall grant a mining lease to an applicant selected in accordance with the procedure laid down in this section in respect of such notified mineral in any notified area.*

38. Thus, the protocol followed today in awarding mining leases, barring cases covered by Section 10A or Section 17A of the MMDR Act, is only by way of public auction. Let the authorities hence pass orders on the applications of the writ petitioner/appellant, taking note of this aspect of the matter as well, as to whether the mining lease applications filed are at all relevant, in the light of the statutory provisions as they stand today.

39. With this, the writ petitions are closed merely directing the respondents to consider the applications of the petitioner in accordance with the prevalent Rules. We make it clear that we have issued no directions, positive or otherwise, and the authorities are at liberty to proceed with the matters in accordance with law, and having regard to Section 10B of the Act. This would dispose W.P.Nos.5414 and 5466 of 2015.

40. As far as the challenge to show cause notices are concerned, the notices have been issued under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Section 3(2) reads thus:



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### **3. Power to acquire land.-**

(1) .....

(2) *Before publishing a notice under sub-section (1), the Government shall, call upon the owner and any other person, who in the opinion of the Government may be interested in such land, to show cause within such time as may be specified in the notice, why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.*

41. The writ petitions have been dismissed for want of maintainability. Section 3(2) provides for an opportunity of hearing to the noticee prior to the acquisition of land and the writ petitioner/appellant could well respond to the notice and place all objections before the authority for his consideration. The issues raised by the parties call for appreciation of various disputed facts that would be relevant in the process of the adjudication.

42. It is hence, only appropriate that the authorities consider the facts in proper context and take the proceedings under the impugned show cause notices to their logical conclusion. It is thus, that though both Dalmia and TANCEM have placed voluminous materials before us in support of their rival claims for the subject lands, we have consciously not adverted to any of those materials (correspondences, Government Orders and other documents) as it is only appropriate for that material to be considered by the officer concerned.



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43. The challenge to the show cause notices dated 11.03.2017 in W.P.Nos.11340 and 11341 of 2017 would suffer the same fate as W.P.No.16316 of 2016 and W.P.No.16404 of 2017 have, as against which dismissal, the Writ Appeals have been instituted. In fine, both the Writ Petitions and Writ Appeals stand dismissed. The petitioner may file replies to the show cause notices and the respondents are directed to adjudicate the notices and carry matters to their logical conclusion, in accordance with law and in line with extant procedures.

44. W.P.Nos.5414 and 5466 of 2015 are disposed and W.A.Nos.947, 948 and 949 of 2017 and W.P.Nos.11340 and 11341 of 2017 are dismissed. Connected Miscellaneous Petitions are dismissed. No costs.

[A.S.M., J] [N.S., J]  
15.12.2025

Index:Yes  
Speaking order  
Neutral Citation:Yes  
SI/ssm/vs

To

1.The Union of India,  
Rep by the Secretary to Government,  
Ministry of Mines,  
Department of Mines,

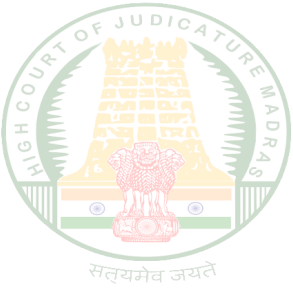


W.A.Nos.947 of 2017 etc. batch

3<sup>rd</sup> Floor, A wing, Shastri Bhawan,  
New Delhi 110001

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- 2.The State of Tamil Nadu,  
Rep by the Secretary to Government,  
Industries (MMA2) Department,  
Secretariat, Fort St. George,  
Chennai-600 009.
- 3.The District Revenue Officer,  
District Collectorate  
Ariyalur District-621 704.
- 4.M/s.Tamil Nadu Cement Corporation,  
Rep by its Chairman & Managing Director,  
Second Floor, LLA Building,  
735, Anna Salai,  
Chennai-600 002.



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*W.A.Nos.947 of 2017 etc. batch*

**DR. ANITA SUMANTH,J.**  
**and**  
**N. SENTHILKUMAR.,J**

sl

**WA.Nos.947 of 2017 etc. batch**

**15.12.2025**