

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10245 of 2015

and

M.P.No.1 of 2015

M/s.D.L.Arvind Enterprises,
Rep. By their Power Agent
K.Balasubramaniam,
S/o.Late G.Krishnaiah @ Krishnaiah Pillai,
4/7, Chengama Naidu Street,
Mettukandriga, Gudapakkam,
Puduchatram Post, Poonamalli Taluk,
Tiruvallur District. Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District, Thiruvallur.
- 2.The Revenue Divisional Officer,
Thiruvallur District, Thiruvallur.
- 3.The Assistant Director of
Geology & Mining,
Thiruvallur District, Thiruvallur. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to forbear the respondents, their subordinates, officers and men from in anyway interfering with the petitioner right to transport gravel from the leasehold quarry measuring 5000 cum in "NTR-TGP" lifting of canal spoil from km.151.000 to km.151.550 of S.S.G.Canal nearby Pudikuppam (via), Sathyavedu (M), Chittoor District, either by way of seizing the vehicles transporting the gravel with valid way bills/permits issued by the State of Andhra Pradesh or by any other manner.

For Petitioner :Mr.D.Bharathy

For Respondents :Mr..T.N.Rajagopalan, Spl.GP

ORDER

It is the claim of the petitioner that they were awarded with a contract for the work of NTR-TGP - Lifting of Canal Spoil from Km.151.000 to Km.151.550 of S.S.G.Canal. As per the said contract, they have been transporting the Gravel from the leasehold quarry in NTR TGP Lifting of Canal Spoil from S.S.G.Canal, nearby Pudikuppam. Whiles, since the second respondent objected for transportation of Gravel from Andhra Pradesh to Tamil Nadu, they made a representation before the first respondent about the practice of bringing the gravel from Andhra Pradesh to Tamil Nadu. However, inspite of the said representation, the second respondent threatened to seize the vehicles entering into Tamil Nadu bringing the soil gravels.

2. It is the further claim of the petitioner that in a similar and identical situation, this Court, by order dated 29.10.2014 made in W.P.No.22026 of 2013, granted liberty to the petitioner therein to give representation to the District Collector, Thiruvallur, along with relevant documents to show that he has a valid lease in Andhra Pradesh and that he would transport the Gravel only with proper documents and if such representation is submitted by the petitioner to the District Collector within a period of four weeks, then the District Collector shall consider the same and pass appropriate orders on merits. On that score, he sought for a same direction in the present case.

3. It is submitted by the learned counsel for the respondents that the respondent official have been directed by the Government to be vigil over the smuggling of minerals and in the said process, the respondent has been demanding the petitioner and other transporters to produce the original documents permitting them to transport the Gravel from Andhra Pradesh to Tamil Nadu. Therefore, if the petitioner is able to produce the proper documents, the respondent officials would not seize the vehicles.

4. Be that as it may, since the case on hand is squarely covered by an order passed by this Court in W.P.No.22026 of 2013, dated 29.10.2014, the petitioner is directed to submit their representation before the District Collector, Thiruvallur, along with the relevant documents to show that they have a valid lease in Andhra Pradesh and that, they will transport the Gravel only with proper documents. On production of such documents, the first respondent is directed to pass appropriate orders on merits and in accordance with law within a period of ten days thereafter.

5. With the above said direction, the writ petition stands disposed of. No Costs. M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rkm

To

- 1.The District Collector,
Thiruvallur District, Thiruvallur.
- 2.The Revenue Divisional Officer,
Thiruvallur District, Thiruvallur.
- 3.The Assistant Director of
Geology & Mining,
Thiruvallur Distruct, Thiruvallur.

1 cc to Government Pleader, Sr. 25907

W.P.No.10245 of 2015

SKV (CO)
kk 8/6

सत्यमेव जयते
WEB COPY