

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.No.14918/2015

MP.No.1 of 2015

Sri Manjunatha Traders, represented by its
Proprietor M.C.Vedaprakash, Kolar District
Karnataka

Petitioner

Vs.

1.The Superintendent of Police (Rural), Coimbatore

2.The Revenue Divisional Officer, Coimbatore

3.The Tahsildar, Madhukkarai, Coimbatore

4.The Inspector of Police, Madhukkarai Police Station
Coimbatore

5.The Inspector of Police, K.G.Chavadi Police Station
K.G.Chavadi, Coimbatore District

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the
Constitution of India, for the relief as stated therein.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr..T.N.Rajagopalan, SGP

सत्यमेव जयते
ORDER

By consent of the learned counsel on either side, this
Writ Petition is taken up for final disposal.

2. This Writ Petition is filed to issue a Writ of
Mandamus, forbearing the Respondents from interfering with the
Petitioner's transport business of clay from Karnataka State to
Kerala State under the cover of valid transit permit.

3. The case of the Petitioner is that the Petitioner is
running the Mining Business at Karnataka State and obtained license
to transport the clay from Karnataka State to other States,
including the Kerala State. Whenever the Petitioner transports the
clay from Karnataka State to Kerala State, the Tahsildar of
Madhukkarai and the Respondents 4 and 5, with an ulterior motive,

frequently detain the lorry, under the guise of verification, for more than 7 and 8 days and after spending huge amount only, the Petitioner is able to get back the lorry and clay, though there are necessary documents available, such as, permit and transit permit and copy of license, etc. Without verification of necessary documents, the Respondents are unnecessarily detaining the lorries with goods of the Petitioner. When the Petitioner transported two loads of clay from Kolar, Karnataka State to Koratti Chalakudi, Kerala State with valid documents, the same were detained by the 3rd Respondent on 16.05.2015, even though the Petitioner produced transit permit for the period from 14.5.2015 to 17.5.2015 and now the said two lorries were kept in front of the office of the 3rd Respondent exposed to sun and weather, which would result in losing its value and utility. Hence, this Writ Petition has been filed for the relief as stated above.

4. The learned counsel for the Petitioner submitted that in similar circumstances, in WP.No.22026/2013, this Court, by order dated 29.10.2014, though the prayer therein was for larger relief, granted liberty to the Petitioner therein to make a representation to the District Collector, Thiruvallur, along with relevant documents, undertaking that they would transport the clay only with proper documents and on receipt of such representation, the District Collector was directed to consider the same and pass appropriate orders, on merits and in accordance with law and the learned counsel prayed this court to pass similar directions in the present case also.

5. It is submitted by the learned Additional Government Pleader for the Respondents that the Respondents have been directed by the Government to be vigil over the smuggling of minerals and in the said process, the Respondents have been demanding the Petitioner and the other Transporters to produce the original documents, permitting them to transport the minerals i.e. clay, etc. from Karnataka State to Tamil Nadu and other States. Therefore, if the Petitioner is able to produce the proper documents, the Respondent would not seize the vehicles.

6. This court considered the submissions made by the learned counsel on either side and also perused the materials placed on record.

7. At the very outset, it has to be pointed out that such a blanket relief cannot be granted to the Petitioner, since granting the prayer as prayed for in this Writ Petition would virtually amount to granting a lease in favour of the Petitioner. According to the learned counsel for the Petitioner, the Petitioner has a valid licence for the relevant period and if it is so, the Petitioner should not have apprehension in its mind that the vehicle will be detained. This may consume some time and the vehicle carrying the load may have to wait for more than a day. If the vehicles are detained for several days, the Petitioner has to

submit a representation to the Authority concerned.

8. In such view of the matter, since the case on hand is squarely covered by an order passed by this Court in WP.No.22026 of 2013, dated 29.10.2014 cited supra, without going into the merits of the case, the Petitioner is directed to submit a representation before the District Collector concerned, along with the relevant documents to show that they have a valid lease in the Karnataka State and with an undertaking that they would transport the material in question only with proper documents and on receipt of such documents, the same shall be considered and disposed of, on merits and in accordance with law, within a period of two weeks thereafter.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Srcm

To:

- 1.The Superintendent of Police (Rural), Coimbatore
- 2.The Revenue Divisional Officer, Coimbatore
- 3.The Tahsildar, Madhukkarai, Coimbatore
- 4.The Inspector of Police, Madhukkarai Police Station, Coimbatore
- 5.The Inspector of Police, K.G.Chavadi Police Station, K.G.Chavadi, Coimbatore District.
- 6.The District Collector, Coimbatore District.

1 cc to Mr.C.Prakasam , Advocate Sr.No.46478

1 cc to Government Pleader.Sr.No.46326

WP.No.14918/2015

skv(co)
pmk.2.9.2015

WEB COPY