

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 2.3.2015.

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5358 of 2015
and
M.P.No.1 of 2015

Smt.C.Vanitha

Petitioner

vs.

- 1 The District Collector
Thiruvallur District Thiruvallur
- 2 The Revenue Divisional Officer
Thiruvallur District Thiruvallur
- 3 The Assistant Director of
Geology and Mining
Thiruvallur District Thiruvallur
- 4 The Regional Transport Officer
Regional Transport Office
Redhills Chennai 600 067.
- 5 The District Forest Officer
O/o. The District Forest Officer
Thiruvallur District
Thiruvallur

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from in any way interfering with petitioner's right to transport gravel from the leasehold quarry over an extent of 2.452 Hectares in Survey No.103/3A, 5, 7, 9 & 10 of Kadirivedu (Vg) Sathyavedu (M) Chittoor District either by way of seizing the vehicle transporting the gravel with valid way bills/ permits issued by the State of Andhra Pradesh or by any other manner exercising power under the Tamil Nadu Minor Concession Rules 1959.

For Petitioner : Mr.S.Kumara Devan

For RR 1 to 4 : Mr.T.N.Rajagopalan, Special Govt. Pleader
For R5 : Mr.Inbarajan, Govt. Advocate

ORDER

Petitioner has come forward with the aforesaid prayer contending that the respondents have no right to interfere with the right of transporting the gravel from the leasehold quarry over an extent of 2.452 hectares in Survey No.103/3A, 5, 7, 9 & 10 of Kadirivedu (Vg) Sathyavedu (M) Chittor District either by way of seizing the vehicle transporting the gravel with valid way bills/ permits issued by the State of Andhra Pradesh or by any other manner exercising power under the Tamil Nadu Minor Mineral Concession Rules 1959.

2. According to the petitioner, the petitioner was carrying on the business of quarrying and marketing gravel earth. The petitioner applied and the Government of Andhra Pradesh, by proceedings No.4873/Q2/2014 dated 11.12.2014, has granted quarrying lease in respect of gravel quarry over an extent of 2.452 hectares in Survey No.103/3A, 5, 7, 9 & 10 of Kadirivedu (Vg) Sathyavedu (M) Chittor District for a period of five years and thereupon, she has been transporting the gravels and the same has been objected by the officials and according to her, when she has got a valid permit, the respondents cannot interfere and harass the petitioner. According to her, she has got freedom of trade which cannot be restricted by the authority concerned.

3. The petitioner also drew attention of this court to the letter of the Tahsildar addressed to the Sub Inspector of Police, Maadharpakkam Police Station, Gummidipoondi and contended that by such proceedings, it has been mentioned as charcoal.

4. The respondents have not filed counter, however, contended that the period of lease was over and it is not transferable.

5. Heard the learned counsel for either side.

6. The letter referred to by the petitioner viz., 10.2.2015 clearly narrates that the petitioner was bringing charcoal and hence, the vehicle was confiscated by the police. Hence, the prayer sought for in this writ petition cannot be granted by this court that too when the permit has already expired by 25.2.2015. The petitioner insisted that this court granted interim order in W.P.No.30872 of 2012 by order dated 16.11.2012. The petitioner has not chosen to produce a copy of such order. In any event, this court is disposing

of the writ petition itself and hence, the interim order will not be binding this court as the permit period itself has expired, this court has no other option except to dismiss the writ petition. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1 The District Collector
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O/o. The District Forest Officer
Thiruvallur District
Thiruvallur

+ 1 cc to Mr.S. Kumara Devan, Advocate SR.11423

+ 1 cc Government Pleader Sr.11571

+ 1 cc to Special Government pleader SR.11416

GGK(CO)
EU 21.03.2015

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