

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.3.2015

Coram:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7889 of 2015

and

M.P.No.1 of 2015

G.Partheban

Petitioner

-Vs-

1. The District Collector
Thiruvallur District
Thiruvallur.
2. The Revenue Divisional Officers
Ponneri, Thiruvallur District
Thiruvallur.
3. The Revenue Divisional Officers
Thiruvallur
Thiruvallur District.
4. The Revenue Divisional Officers
Ambattur,
Thiruvallur District.
5. The Assistant Director of
Geology and Mining
Thiruvallur District
Thiruvallur.
6. The Superintendent of Police,
District Police Office,
Thiruvallur.
7. The Regional Transport Officers,
Red Hills, Thiruvallur District.
8. The Regional Transport Officers,
Thiruvallur, Thiruvallur District.
9. The Regional Transport Officers,
Poonamallee, Thiruvallur District.

10. The Sub Inspector of Police,
Padhirivedu Police Station,
Ponneri Taluk, Thiruvallur District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from interfering with the petitioner's right to transport Gravel from the Leasehold quarry measuring 1.821 Hectares comprised in Survey No.395/2, 395/3 & 395/4 situated in Kannavaram (Vg), Sathyavedu (M), Chittoor District either by way of seizing the vehicles transporting the gravel with valid way bills issued by the State of Andhra Pradesh or by any other manner exercising power under the Tamilnadu Minor Mineral Concession Rules 1959.

For Petitioner : Mr.Singaravelan for
Ms.M.Srividhya

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus forbearing the respondents from interfering with the petitioner's right to transport Gravel from the Leasehold quarry measuring 1.821 Hectares comprised in Survey No.395/2, 395/3 & 395/4 situated in Kannavaram (Vg), Sathyavedu (M), Chittoor District either by way of seizing the vehicles transporting the gravel with valid way bills issued by the State of Andhra Pradesh or by any other manner exercising power under the Tamilnadu Minor Mineral Concession Rules 1959.

2. According to the petitioner, he has valid permission to transport Gravel from State of Andhrapradesh towards Tamilnadu. The petitioner would state that when the gravel enters Tamilnadu, the truck transporting the Gravel is detained and therefore, the petitioner has approached this Court for the aforementioned relief.

3. At the very outset, it has to be pointed out that such a blanket relief cannot be granted to the petitioner which would virtually amount to as if this Court granting a lease in favour of the petitioner. Hence, the prayer sought for is thoroughly misconceived.

4. The learned Special Government Pleader brought to the notice of this Court to the proceedings of the Assistant Director of Mines and Geology, Chittoor to the Assistant Director, Geology and Mines, Thiruvallur District, Tamil Nadu, dated 25.07.2014 wherein it has been stated as hereunder:-

"I invite kind attention to the subject and references cited, I am to inform that during the inspection of quarry lease area for gravel in Vijayapuram and Nagari Mandals by the Unit Officials of Regional Vigilance and Enforcement Officer, Tirupati, the Assistant Director of Mines and Geology (Vigilance), Tirupati and this office Technical Staff, noticed that some miscreants used to supply gravel through forged bills fabricated by themselves as if that have been issued by the Department of Mines and Geology. Recently we have noticed two incidents of carrying forged bills and seized the quarries and bills and filed cases against the offenders vide reference 1st and 2nd cited.

I am to inform that there are quarry leases for gravel in the Mandals of Vijayapuram, Nagari, sathayavedu and Varadaiahpalem abutting Tamil Nadu borders and Gravel excavated from these areas is being transported to various destinations in Andhra Pradesh as well as Tamil Nadu. Most of the material is being supplied for road works and is being used as filling material in large scale commercial establishments in the outscuts of Chennai and other areas in Tiruvallur District. There are instances reported to this office that Gravel excavated in the border area of Tamil Nadu areas being also transported using the fake bills of Andhra Pradesh.

Hence, I request the Assistant Director, Geology and Mines, Thiruvallur District to look into the matter and as and when any bills (Transit Forms issued for Transportation of Gravel) issued by this office comes to your notice while interception of the vehicles carrying gravel or the consuming points (Entrepreneurs) possessing bills issued by this office to be sent to this office for verification and ascertaining genuineness of the same.

I request your co-ordination for transparency and avoid of loss of Revenue to the State excheques of Andhra Pradesh and Tamil Nadu Governments Soliciting early response in the matter."

5. According to the learned counsel for the petitioner, the petitioner has a valid licence for a period of five years and the said licence was granted by the Assistant Director of Mines and Geology and every truck which transports the Gravel from Chittoor to Tamilnadu is accompanied by valid documents including valid permit which will be with the driver of the vehicle. If that is the case, the petitioner should not have apprehension in his mind that the vehicle will be detained. However, the Tamil Nadu, check post Authorities are bound to verify the genuineness of the documents produced the petitioner. This may consume sometime and therefore, the truck carrying the load may have to wait at the check post for more than a day or two which is inevitably.

6. According to the petitioner, the authorities are harassing the petitioner and detaining the truck for several days. If that is the case, then the petitioner has to submit a representation to the District Collector, Thiruvallur District, Thiruvallur. Along with the said representation, the petitioner should produce all the relevant documents including valid permit to show that he has a valid lease in Andhra Pradesh and that, he will 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 from the date of receipt of a copy of this order, then the District Collector shall consider the same by verifying the genuineness of the documents before acting on the said documents and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

7. With the above said direction, the Writ Petition is disposed of. No costs. The connected miscellaneous petition is closed.

ssk.

-s/d-

Assistant Registrar(J)

Dt:1/4/2015

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Thiruvallur District
Thiruvallur.

2. The Revenue Divisional Officers
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Padhirivedu Police Station,
Ponneri Taluk, Thiruvallur District.

+ 1 cc to M/s.M.Srividhya, Advocate SR 17107

+ 1 cc to Government Pleader, High Court, Madra SR 17338

vsn(co)
prk1/4

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