



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.3791 of 2016

and

W.M.P (MD) No.3401 of 2016

R.G.A.Blue Metals,
Rep. By its Managing Partner,
R.George Antony

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. By its Principal Secretary,
Industries Department,
Fort St. George, Chennai -9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
3. The District Collector,
Nagercoil, Kanyakumari District.
4. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
5. The Assistant Director of Geology and Mining,
Collectorate, Nagercoil,
Kanyakumari District.
6. The Sub-Inspector of Police,
In-Charge of Netta Police Check Post,
Kadayalmodu Police Station,
Kanyakumari District.

... Respondents

(R-6 is given up vide endorsement, dated 02.03.2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 5 to issue transit pass in Form "F" to the petitioner for transporting rough stone/jelly of various sizes, crusher dust and M-sand (Black Color) to the State of Kerala and consequently restrain the respondents from interfering with the business of the petitioner in transporting rough stone/Jelly of various sizes, crusher dust and M-sand(Black Color) either by himself or through his customer to the State of Kerala.



ORDER

The petitioner seeks for a Mandamus directing the respondents 3 and 5 to issue transit pass in Form "F" to the petitioner for transporting rough stone/jelly of various sizes, crusher dust and M-sand (Black Color) to the State of Kerala and to restrain the respondents from interfering with the business of the petitioner in transporting rough stone/Jelly of various sizes, crusher dust and M-sand(Black Color) either by himself or through his customer to the State of Kerala.

2. The case of the petitioner is that they are engaged in mining and production of M-sand and other aggregated, for construction of industries. According to the petitioner, the third respondent namely, the District Collector, Nagercoil, vide proceedings, dated 10.04.2015, issued Form-D certificate of registration for transportation and storage of Minerals under the Tamilnadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealer Rules, 2011. The said registration is valid from 10.04.2015 to 09.04.2020.

3. The learned counsel for the petitioner submitted that for transporting rough stone/jelly of various sizes, crusher dust and M-sand (Black Color) to the State of Kerala, the petitioner has to obtain Form -F. Hence, the petitioner has made an application before the third respondent on 23.03.2015. But, there was no response. Hence, the petitioner has made a representation before the respondents 3 and 4 on 14.01.2016 to issue transit pass in Form-F. The same is said to be still pending.

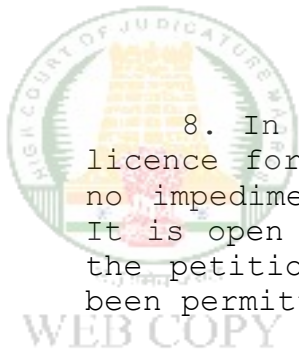
4. It is the grievance of the petitioner that despite the proceedings of the District Collector permitting them to carry on business, the respondents are not permitting to carry on the said business. Hence, the petitioner has come up with the above Writ Petition.

5. It is stated that this Court in similar circumstances, by following the earlier orders of this Court in W.P(MD)No.27839 of 2015, dated 13.10.2015 and W.P(MD)No.22032 of 2015, dated 17.12.2015, considered the same issue and granted the relief sought for by the petitioner in W.P(MD)No.2578 of 2016, vide order dated 15.02.2016.

6. In the order, dated 17.12.2015 passed in W.P(MD)No.22032 of 2015, it has been held as follows:

"In these circumstances, the Writ Petition is disposed of recording the statement of the learned Additional Advocate General that the petitioner will be permitted to transport the materials as per the transit permit issued to him and if the petitioner transports the materials other than the materials that are mentioned in the transit permit, the authorities are at liberty to intercept the same and to proceed in accordance with law."

7. Heard the submissions made on either side and perused the materials available on record.



8. In the light of the above, if the petitioner is possessing valid licence for running the said business for a particular period, there is no impediment for them to transport quarry stone or m-sand to Kerala. It is open to the respondent police to intercept and intervene, whenever the petitioner is transporting any other materials other than what has been permitted and take appropriate action against them.

9. The Writ Petition is accordingly, disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamilnadu,
Industries Department,
Fort St. George, Chennai -9.
 2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
 3. The District Collector,
Nagercoil,
Kanyakumari District.
 4. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
 5. The Assistant Director of Geology and Mining,
Collectorate, Nagercoil,
Kanyakumari District.
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 12127
+ 1 CC TO M/S.R.SUBRAMANIAN, ADVOCATE IN SR NO. 11939

PM
TE/NGM-SS/ : 08/03/2016 : 3P/8C

W.P (MD) No.3791 of 2016
and
W.M.P (MD) No.3401 of 2016
02.03.2016