



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.08.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.6591 of 2011 &
M.P. (MD) .No.1 of 2011

MRS Enterprises
Represented by its Partner
R.Sureshkumar
S/o.M.Ramados
30/72, Jeeva Street, Kottapattu
Ponmalai Post,
Trichy District.

... Petitioner

vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary
Industries Department,
Fort St. George,
Chennai 600 009.
- 2.The Director of Geology and Mining
Guindy,
Chennai-600 032.
- 3.The District Collector,
Thanjavur District,
Thanjajur.
- 4.The District Collector,
Trichy District,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus forbearing the respondents from insisting the petitioner and petitioner's Customers either to obtain transport permit or to get mentioning of the final place of destination in the bills issued by the Public Works Department and by the authorized sand stockyard operators to transport the processed/filtered or stocked raw sand upto 6 units from the stockyard of the petitioner in Survey No.135/8, 136/13 comprised in Patta No.448, in Indhalur Village Taluk, Erode District, totally comprising of One Acre and 32 cents to the place of the petitioner's purchasers destination in the State of Tamilnadu.



For Petitioner
For Respondents

:No appearance
:Mr.Aaiyaram K.Selvakumar
Government Advocate

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O R D E R

The Writ Petition has been filed for issuance of a Writ of Mandamus forbearing the respondents, their officers and servants from insisting the petitioner and their customers to obtain transport permits.

2. The petitioner is a dealer in sand and other building materials. According to the petitioner, the respondents are very often restraining the lorries of their customers from proceeding further under the guise of non possession of documents. The petitioner therefore filed this Writ Petition not only to safeguard their interest, but also to take care of the interest of customers.

3. This Court granted an interim order as early as on 23.06.2011 with certain conditions.

4. None appeared on behalf of the petitioner.

5. The petitioner wanted a blanket order of injunction against the respondents from insisting transport permission or documents evidencing the final destination, where the sand has to be delivered. The matter is covered by the Tamil Nadu Minor Mineral Concessions Rules, 1959. The sand could be transported only with transit permits issued by the concerned authority under the Director of Geology and Mining.

6. The petitioner wanted to overcome the statutory prohibition by filing this writ petition. There is no question of issuing a mandamus in a case of this nature. I am therefore of the view that there is no merit in the contentions taken by the petitioner.

7. In the result, the writ petition is dismissed. No costs. The interim order granted by this Court is vacated. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar



To

1.The Secretary
The State of Tamil Nadu
Industries Department,
Fort St. George,
Chennai 600 009.

2.The Director of Geology and Mining
Guindy, Chennai-600 032.

3.The District Collector,
Thanjavur District, Thanjajur.

4.The District Collector,
Trichy District, Trichy.

+1cc to special Government Pleader SR.No.48097

jikr

sm:SS2:23/09/2016:3P/6C

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