

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8385 of 2004
and W.P.M.P.No.9859 of 2004

M/s.South Eastern Road Carriers,
29, Zinda Sahib Street,
Kondithoppu,
Chennai - 79.

...Petitioner

/versus/

1. The State of Tamil Nadu, represented by
the Secretary to Home Department,
Secretariat,
Fort St.George,
Chennai - 9.
 2. The State of Tamil Nadu,
represented by the Secretary to
Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 9.
 3. The Director of Public Health and Preventive
Medicine and State Food (Health) Authority,
Anna Salai,
Chennai - 600 006.
- सत्यमेव जयते
- ...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to refrain from interference with the business activity of the petitioner in so far as such activity consisted of storage, transport of tobacco products within and outside the State of Tamil Nadu in accordance with the principles stated by this Hon'ble Court in W.P.No.26546 of 2001 dated 03.01.2002 and issue such further writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner

: Mr.R.Senniappan

For Respondents

: Mr.A.Zakkir Hussain
Government Advocate.

ORDER

The writ petitioner is South Eastern Road Carriers filed the writ petition with the prayer to direct the respondents to refrain the petitioner from interference with the business activity consisting of storage, transport of tobacco products within and outside the State of Tamil Nadu.

2. The writ petitioner has stated that they are the transporters and by transporting the tobacco products, they receive only the transport charges from their customers and due to certain inspection conducted by the Competent authorities, the writ petitioners have approached this Court with such a prayer to forbear the respondent from preventing them from carrying out the transport of tobacco products. Currently the tobacco products are governed by the various regulations of the State and the Central Government and it is needless to state that all the persons dealing with such goods are to be checked properly by the Competent authorities and requirement of license and permission also has to be obtained from the Competent authorities to deal with the products of tobacco, pan masala, gurkha etc.

3. In view of this, the present writ petition cannot be considered since the writ petitioner is unable to convince this court with regard to the present status of his business. Such being the actual situation this Court is not inclined to consider the writ petition any further.

4. Accordingly the same is dismissed to devoid of merits. No other order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rna/rpa

To

1. The Secretary to Home Department,
The State of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 9.

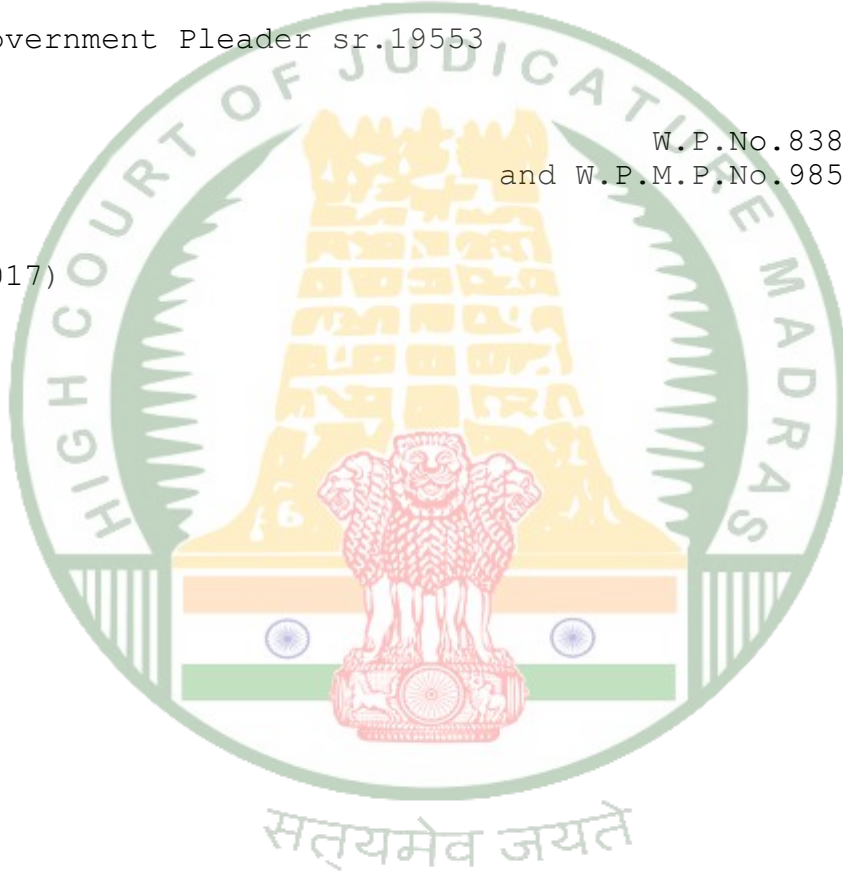
2. The Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 9.

3. The Director of Public Health and Preventive
Medicine and State Food (Health) Authority,
Anna Salai,
Chennai - 600 006.

+1cc to Government Pleader sr.19553

W.P.No.8385 of 2004
and W.P.M.P.No.9859 of 2004

skv(co)
ss(12/4/2017)



WEB COPY