

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.03.2017****CORAM:****THE HON'BLE MRS. JUSTICE J.NISHA BANU****W.P. (MD) No.2965 of 2014**

Tirunelveli Mavatta Manal Lorry
Urimayalargal Nala Sangam (Regn No.75 of 2007)
51-A, Madurai Road,
Sankar Nagar,
Tirunelveli District - 627 357,
rep. by its President,
R.Subash Chandra Bose.

... Petitioner

-vs-

1. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The Commissioner of Geology and Mining,
Guindy, Chennai.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide sand at the prevailing rate fixed by the Government of Tamil Nadu to the members of the petitioner at the sand quarry or at the stock yards situated in Thoothukudi District, particularly the stock yard in Muthalapuram near Ettaiyapuram.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.G.Muthukannan,
Govt. Advocate

**ORDER**

This writ petition has been filed seeking a direction to the respondents to provide sand at the prevailing rate fixed by the Government of Tamil Nadu to the members of the petitioner Sangam at the sand quarry or at the stock yards situated in Thoothukudi District, particularly the stock yard in Muthalapuram near Ettaiyapuram.

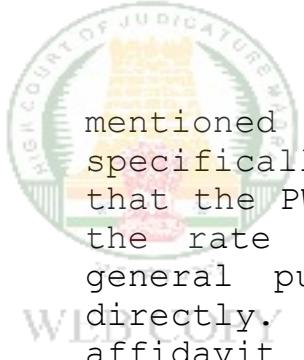
2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner averred among the other things in the affidavit filed in support of the petition that he is the President of Tirunelveli Mavatta Manal Lorry Urimayalargal Sangam, which is a registered society under the Societies Registration Act. The members of the Sangam are getting sand particularly from the stockyard at Muthalapuram near Ettaiyapuram and transporting the same to the customers in various places in Tuticorin District and Tirunelveli District. Though the Government passed an order in G.O.No.178, Public Works Department, dated 31.05.2008 allowing to take 3 units of sand in a lorry for a price of Rs.900/- i.e., Rs.300/- per unit and the same came into effect from 01.06.2008, the members of the Sangam or the general public are not able to get the sand at the rate fixed by the Government, due to deliberate misuse of power in selling the sand by the officials. Though the petitioner Sangam has submitted several representations in this regard, the respondents did not consider the same till date. Hence, they have filed this writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner has narrated the old rates of sand fixed by the Government and the Government has already issued orders revising the price of sand in G.O.Ms.No.325, Public Works Department, dated 21.12.2013. The allegations made by the petitioner Sangam are purely based on presumptions and not based on any legally accepted principles. He would further submit that the PWD officials are suitably instructed to sell the sand at the rate fixed by the Government and the members of the petitioner sangam and the general public are at liberty to purchase sand from the PWD sand quarries directly.

4. Keeping the submissions made on either side, this Court has carefully gone through the entire materials available on record.

5. As rightly contended by the learned Government Advocate, the allegations raised in the writ petition are general in nature. The respondents have not produced even a piece of documents in order to prove the above allegations. There is also no specific instances



mentioned in the petition. However, the first respondent specifically stated in the counter affidavit in paragraph No.19 that the PWD officials are suitably instructed to sell the sand at the rate fixed by the Government and the petitioner and the general public can purchase sand from the PWD sand quarries directly. Though the first respondent has filed counter affidavit in the year 2015, the petitioner has not either filed a rejoinder or come up with any documents denying the statements made in the counter affidavit. The petition is bereft of particulars. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The Commissioner of Geology and Mining,
Guindy, Chennai.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

+1cc to The Spl. Government Pleader Sr.No.13161

gcg

vb/sv/mms sar3/20.04.2017/3p/6c

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