



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.06.2017

CORAM:

THE HONOURABLE **MRS. JUSTICE J.NISHA BANU**

W.P. (MD) No.4757 of 2014

and

M.P (MD) No.1 of 2014

K.H.Razak

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.Officer Checkpost,
Aralvaimozhi,
Kanyakumari District.

4.Officer Checkpost,
Padanthalu Moodu,
Set up by Commercial Tax Department,
Government of Tamil Nadu,
Kanyakumari District.

The 3rd and 4th Respondents are under
the police control of the 2nd Respondent.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring that the Petitioner is entitled to transport the finished processed M.Sand from Kanyakumari District to Kerala on payment of Sales Tax and consequently pass an order restraining the Respondents from preventing the Petitioner from transporting his purchased finished, process, M.sand from Kanyakumari District to Kerala through the 4th and 5th Respondent checkpost enroute and to grant further relief.

For Petitioner : Mr.P.Senthur Pandian
For Respondents : Mr.G.Muthukannan
Govt. Advocate

O R D E R

This Writ Petition has been filed seeking for a declaration declaring that the Petitioner is entitled to transport the finished processed M.Sand from Kanyakumari District to Kerala on payment of Sales Tax and consequently pass an order restraining the Respondents from preventing the Petitioner from transporting his purchased finished, process, M.sand from Kanyakumari District to Kerala through the Respondents 4 & 5 checkpost enroute and to grant further relief.



2.The petitioner is doing the business of selling building materials like bricks, sand and manufactured sand to his customers at Kerala. The petitioner purchased manufactured sand from various sellers of Tirunelveli and Tuticorin by transporting it and the vendors also used to send the consignment of manufactured sand through lorries and other carrier vehicles to Kerala. On 27.01.2014 when the petitioner transported 6 units of Manufactured sand to Kerala, it was restrained by the officer of the third respondent. The petitioner claims that the respondent did not have any right to stop his vehicle. The petitioner has already given a representation to the first respondent, the District Collector on 10.02.2014 requesting him to give permission to transport M.Sand to Kerala.

3.The petitioner does not transport any M.Sand and the petitioner had also paid Sales Tax to the purchase of the M.Sand and the respondent has no authority to stop the transport of M.Sand to Kerala and there is no such prohibition for transportation of M.Sand to Kerala. In this regard, he has also given a representation to the respondent on 10.02.2014.

4. Therefore, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation, dated 10.02.2014 and pass orders on the same in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.Officer Checkpost,
Aralvaimozhi,
Kanyakumari District.
- 4.Officer Checkpost,
Padanthalu Moodu,
Set up by Commercial Tax Department,
Government of Tamil Nadu,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.59400

+1cc to Mr.P.SENTHUR PANDIAN Advocate in SR. No.59474

<https://hcservices.ecourts.gov.in/hcservices/>

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