

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.06.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P. (MD) No.11052 of 2017

Tamil Nadu Sand Lorry Owners Federation
represented by its President,
Mr.Sella Rajamani.

... Petitioner

-Vs-

1. The State of Tamil Nadu
represented by its Secretary,
Public Works Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Karur, Karur District.
3. The Chief Engineer,
Public Works Department,
Trichy Division,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to implement the resolution passed in the peace committee meeting dated 23.05.2017 forthwith.

For Petitioner : Mr.M.Subash Babu.

For Respondents : Mr.T.R.Janardhanan,
Additional Government Pleader.**O R D E R**

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to implement the resolution passed in the peace committee meeting dated 23.05.2017 forthwith.

2. The petitioner would aver among other things that the petitioner is the President of Tamil Nadu Sand Lorry Owners Federation and the Members of the said Federation are dealing with transportation of sand. As per Law, six wheeled vehicles are permitted to transport two units of sand and ten wheeled vehicles are permitted to transport three units of sand. He would further aver that G.O.Ms.No.95, Industries Department, dated 01.10.2003, Rule 38-A was introduced to the Tamil Nadu Mines Mineral Concession Rules, 1959, thereby taking over of sand quarrying by the State and the sand quarry was vested with the Public Works Department (PWD) and lifting and loading is done by the private



contractors. The sales are taking place at the quarry site and the vehicles have to proceed in queue through one way and in the middle of the said one way, there will be a "sale point" where the intending purchasers of sand have to submit required demand draft and after obtaining sale invoices have to reach the loading point. This procedure was in vogue for more than ten years and presently the said procedure has not been followed by the respondents.

3. The petitioner further aver that the Government has stopped permission for sand stock yard and there are only two quarries operating in Karur District at Mayanur and Sinthalavadi. Per day only 200 to 300 lorries of sand have been provided by the third respondent. Normally, a lorry has to wait for more than 15 days to get one load of sand and as a lorry owner they have to give at least Rs.500/- to the driver per day and in addition to that due to shortage of the sand, the entire construction of Government and private work have been paralysed. Therefore, the petitioner Federation decided to make a parking yard on their own cost and they requested the Public Works Department to depute an officer to follow a queue system on the basis of first come first served, but the respondents did not head to their request. There were many difficulties faced by the lorry owners and drivers and many complaints were made to the authorities concerned. Though there is numerous complaints, there is no proper action and the Public Works Department gives first priority to the local lorry owners and others are not equally treated by the Public Works Department. Hence, on 16.05.2017, they sent a detailed representation to the respondents as well as to the concerned authorities and even after acknowledging the representation, there is no proper action taken by the respondents. Therefore, on 23.05.2017, the petitioner Federation was constrained to conduct agitation and road roko and a Peace Committee Meeting was held and in the Peace Committee Meeting, certain decisions were arrived at and based on the meeting, a resolution has been passed on 23.05.2017.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents on written instructions would submit that they are following the resolution dated 28.06.2017 and the copy of the said written instruction was produced before this Court. The learned counsel for the petitioner would request this Court to record the same.

5. Recording the same, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1. The Secretary,
Public Works Department,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Karur,
Karur District.

3. The Chief Engineer,
Public Works Department,
Trichy Division,
Trichy District.

+1cc to M/S. M.SUBASH BANU, Advocate, SR.No.62533.

+1cc to Special Government Pleader, SR.No.62690.

W.P. (MD) No.11052 of 2017
28.06.2017

akv

SDS/MR:KKR/SAR 2/11.08.2017/3P/6C