



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.19229 of 2016

and

W.M.P(MD)No.13883 of 2016

M/s.Guru Bhagavan Granites
Rep. by its Managing Partner,
Mr.R.Hariharasudhan,
S/o.S.Raja,
No.14, Krishnapuram Colony Main Road,
Krishnapuram,
Madurai - 625 017.

... Petitioner

Vs.

1.The District Collector
Tirunelveli District,
Tirunelveli

2.The Block Development Officer (Village Panchayat)
Nanguneri,
Tirunelveli District

3.The President
Vijayanarayanam Panchayat,
Nanguneri Taluk
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication of the third respondent ending up with the letter in Reference Na.ka.No.25/2016 dated 25.09.2016 and quash the same and consequently forbearing the third respondent, their men, their agents or anybody claiming through the third respondent from obstructing or restraining the petitioner from transporting quarried minerals from the quarry to factory or any designated places as per the despatch slip issued by the Department of Geology and Mining through the public road.

For Petitioner : Mr.V.Veerapandian,

For M/s.Vastlaw Associates

For Respondents : Mr.M.Alagathevan
Special Government Pleader

**ORDER**

This writ petition has been filed, seeking to quash the impugned communication dated 25.09.2016, issued by the third respondent and consequently forbear the third respondent, their men, their agents or anybody claiming through the third respondent from obstructing or restraining the petitioner from transporting quarried minerals from the quarry to his factory or any designated places as per the despatch slip issued by the Department of Geology and Mining through the public road.

2. It is the claim of the petitioner that the petitioner firm is carrying on the business of quarrying of granites after obtaining quarrying lease from the Government of Tamil Nadu and is doing quarrying operations at Vijayanarayanam Part-I Village, Nanguneri Taluk, Tirunelveli District. Upon payment of seigniorage fees, the Department of Mines and Minerals issued permit and despatch slip for transporting the minerals. Suddenly, without any reasons adduced, by the impugned letter, the third respondent instructed the petitioner not to use the public road for transporting the minerals. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

3. According to the learned Counsel for the petitioner, the third respondent was causing obstructions to their business activities, against the orders passed by the Government and that too, by the Department of Geology and Mining and now, the post of third respondent is no more in existence.

4. On the other hand, the learned Special Government Pleader appearing for the respondents, on instructions, submitted that there would be no hindrance to the petitioner for transporting minerals as permitted by the authorities upon production of transport slips.

5. In such view of the matter, by recording the said submission made by learned Special Government Pleader appearing for the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

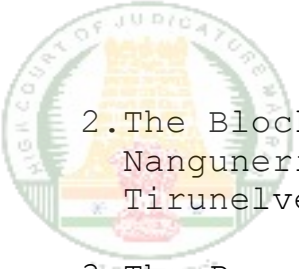
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector
Tirunelveli District,
Tirunelveli



2.The Block Development Officer (Village Panchayat)
Nanguneri,
Tirunelveli District

3.The President
Vijayanarayanam Panchayat,
Nanguneri Taluk
Tirunelveli District.

+1cc to Special Government Pleader, SR.No.76655

rm

MAS/SV-MMS/SAR2:12.09.2017:3P-5C

W.P (MD) No.19229 of 2016
04.09.2017