

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 50354 of 2006

M/s. Srinivasa Transport,
represented by its Proprietor
Mr.D.Vasudevan

... Petitioner

Vs.

1. The District Collector
Thiruvallur District,
O/o The Collectorate
Thiruvallur.
2. The Assistant Director
Geology and Mining
O/o The Collectorate
Thiruvallur.
3. The District Collector
Kancheepuram District
O/o The Collectorate
Kancheepuram.
4. The Assistant Director
Geology and Mining
O/o The Collectorate
Kancheepuram.
5. The Tahsildar
Poonamallee Taluk Office
Poonamallee.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from insisting the petitioner and the petitioner's purchasers/customers either to obtain transport permits or to get mentioning of the final place of destination in the bills issued by the P.W.D., to transport the processed/filtered sand from the stock yard of the petitioner at Survey No.609, Plot No.4, M.S.Viswanathan Nagar, Poonamallee, Chennai-600 056, Thiruvallur District over an extent of 2490sqft., to the place of the petitioner's purchaser / customer's destination.

For Petitioner : No Appearance
For Respondents : Mr.E.Manoharan
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to forbear the respondents from insisting the petitioner and the petitioner's purchaser's/customers either to obtain transport permits or to get mentioning of the final place of destination in the bills issued by the P.W.D purchasers to filter sand from the stock yard of the petitioner in respect of property in Survey No.609, bearing Plot No.4, M.S.Viswanathan Nagar, Poonamallee, Chennai-600 056, Thiruvallur District measuring an extent of 2490 sqft., to the place of the petitioner's purchaser's/customer's destination.

2. The transport permits are required in accordance with the statutory Rules in force and necessary permissions have to be obtained before transporting the sand or goods from one place to another place. The mandatory Rules prescribed under the Act and Rules can never be waived and the bereft of waiver can be granted only on exceptional circumstances under the provisions of the Act.

3. In all such circumstances, the persons, who are involving in such activities, like transporting sand or other things have to obtain necessary permission from the Government or Competent Authorities, and this Court, therefore, is not in a position to consider the case of the writ petitioner in relation to the prayer sought for. No such relief as sought for in this Writ Petition can be granted and it is brought to the notice of the Competent Authorities to issue such permits in accordance with the provisions of the Act and the Rules.

4. With these observations, the writ petition stands dismissed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

msm

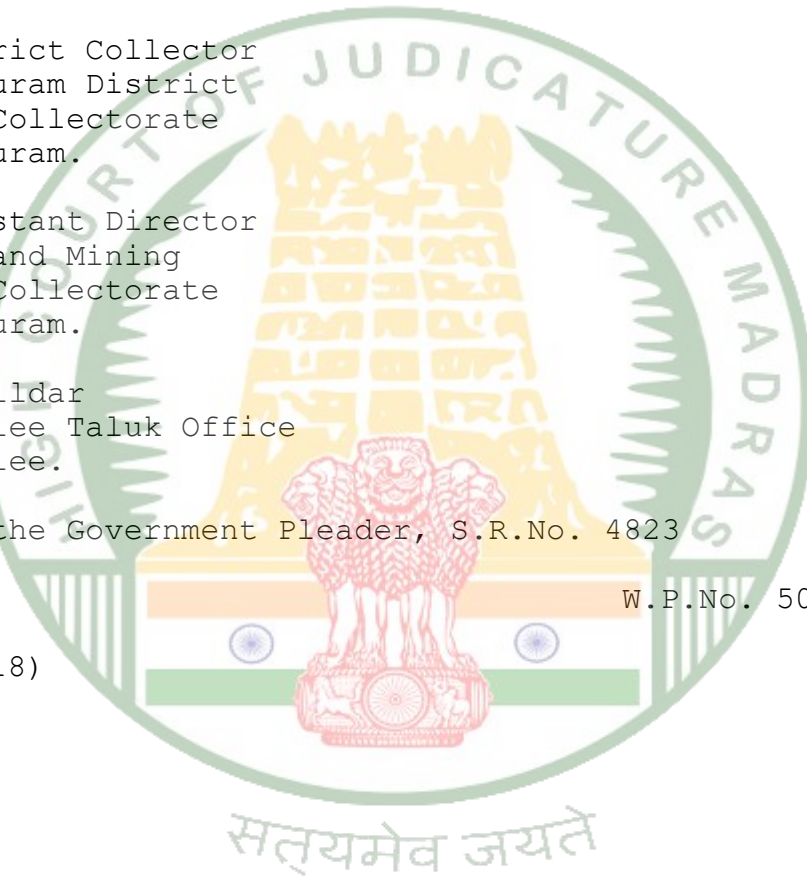
To

1. The District Collector
Thiruvallur District,
O/o The Collectorate
Thiruvallur.
2. The Assistant Director
Geology and Mining
O/o The Collectorate
Thiruvallur.
3. The District Collector
Kancheepuram District
O/o The Collectorate
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4. The Assistant Director
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Kancheepuram.
5. The Tahsildar
Poonamallee Taluk Office
Poonamallee.

+1cc to the Government Pleader, S.R.No. 4823

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SS(CO)
TR(15/03/2018)



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