

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.13952 of 2004

and W.P.M.P.No. 16423 of 2004

M/s.K.R.S.Agencies

Rep. by its Proprietor Mr.A.Moorthy

11/51, Sathy Main Road

Sirumugai, Coimbatore.

... Petitioner

Vs.

1.The District Collector
Nilgiri District, Nilgiri.

2.The Assistant Director of Geology and Mining
Nilgiri.

3.The District Collector
Coimbatore District, Coimbatore.

4.The Assistant Director of Geology and Mining
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, prohibiting the respondents from insisting the petitioner and the petitioner's customer to obtain transport permits to transport the processed /filtered sand from the petitioner's stockyard to the place of the petitioner's purchasers destination.

For Petitioner : Mr.A.Panneerselvam

For Respondents : Mr.K.S.Suresh, Government Advocate

O R D E R

The relief sought in this writ petition is to prohibit the respondents from insisting the petitioner and the petitioner's customer to obtain transport permits to transport the processed /filtered sand from the petitioner's stockyard to the place of the petitioner's purchasers destination.

2.The Full Bench of this Court by Judgment dated 05.04.2011 in W.P.No.33167 of 2007 etc. batch has disposed the writ petitions filed by the similarly placed persons for the identical relief and has held as follows:-

" 10.In such circumstances, by virtue of the amendment imposing such obligation on the part of the purchasers from the Public Works Department to store it in the stockyard, to obtain further sale slip authenticated by the Taluk Headquarters Deputy Tahsildar, the prayer of the petitioners in these writ petitions to forbear the respondents from insisting the petitioners and their customers to obtain transport permit or to get mentioning the final place of destination in the bill issued by the Public Works Department to transport the processed or filtered or raw sand from the stockyard of the petitioners to the place of destination of petitioners' purchasers cannot be granted. If the petitioners have any grievance against the newly introduced Rule 38-C, it is for them to work out their remedy in the manner known to law.

11.In such circumstances, the contention of the learned counsel for the petitioners that in view of the issuance of notice by the Hon'ble Apex Court against the judgment of the Division Bench, the original order dated 20.09.2005 in W.P.No.1251 of 2004 etc., batch got merged cannot be accepted and by virtue of the change effected by the Government in the Rules, no mandamus could be issued in these writ petitions as on date and therefore, the writ petitions are dismissed as really become infructuous. Accordingly, the petitions stand dismissed. No costs. Connected miscellaneous petitions are closed."

3.Following the same, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-viii)

//True Copy//

Sub Assistant Registrar

maya

To

1.The District Collector
Nilgiri District, Nilgiri.

2.The Assistant Director of Geology and Mining
Nilgiri.

3.The District Collector
Coimbatore District, Coimbatore.

4.The Assistant Director of Geology and Mining
Coimbatore.

+lcc to Mr.S.GUNALAN, Advocate, S.R.No. 45700
+lcc to the Government Pleader, S.R.No. 46153

W.P.No.13952 of 2004

SR(CO)
TR(02/08/2018)



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