



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.02.2018

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THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.2760 of 2018

and

W.M.P. (MD) .No.2918 of 2018

MJD Construction & Engineering Contractors P.Ltd.,
Rep. by its Managing Director,
Janaka Jebangelin,
MJ Bhavan,
Kannumamoodu,
Pazhugal Village,
Kanyakumari District.

... Petitioner

-Vs-

1. The District Collector, Kanyakumari District,
Nagercoil.
2. The Assistant Director,
Geology and Mining Department,
Nagercoil, Kanyakumari District.
3. The Superintendent of Police,
Kanyakumari District, Nagercoil.
4. The Assistant Superintendent of Police,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents to issue permit to the petitioner to transport the raw materials for road construction, from Kanyakumari District, Tamilnadu to Thiruvananthapuram District, Kerala through Kannumamoodu or Ramavarmanchirai, Check posts pursuant to the representation, dated 29.01.2018 on the file of the respondents herein.

For petitioner

:Ms.C.Bharathi

For Respondent

:Mrs.J.Padmavathi Devi

Special Government Pleader

ORDER

The petitioner has filed this writ petition to issue a Writ of mandamus directing the respondents to issue permit to the petitioner to transport raw materials for road construction, from Kanyakumari District, Tamilnadu to Thiruvananthapuram District, Kerala through Kannumamoodu or Ramavarmanchirai, Check posts.

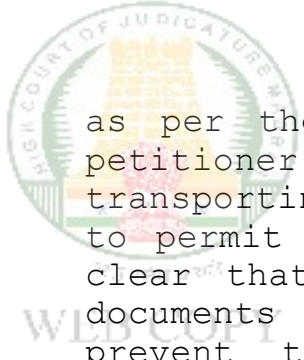
2. According to the petitioner, the petitioner is a registered Contractor and he was awarded with a contract work by National High ways Authorities, South Circle, Thiruvananthapuram District, Kerala State, for the improvements of Thonnackal - Sasthavattom - Chilambu - Azhoor Chirayinkil Road and Improvements to Narikkallu - Thachode - Panayara - Chavarod - Njekaddu Road and as per the conditions the above said work has to be completed within 9 months from the date of the accepting the contract. Since the above road is situated near the border of Tamilnadu, the materials has to be transported from Kanniyakumari District after purchasing the same from nearby crusher at Kavalkinaru. While the vehicle was travelling through Kannumamoodu and Ramavarmanchirai check post, the 4th respondent/police, preventing the petitioner from transporting the same to other side. The petitioner possessing all the required certificates issued by the concerned authorities. Despite the same the authorities prevent the petitioner from transporting the same.

3. The learned Government Pleader directed to get instructions from the respondents, today, the District Collector filed a report stating that the transport of crusher material from Tamilnadu to Kerala is permitted if the petitioner possess the following certificates.

1. Valid Transport permit issued by the Mines Department
2. Valid Pollution Control Board consent issued by the District Environmental Engineer, Pollution Control Board.
3. Valid permanent Registration certification issued by the General Manager, District Industries Centre.
4. Valid quarry licence proceeding issued by the concern District Collector in connection with the raw material requirement for the production of M-sand to the M-sand unit holders.
5. Valid sale tax registration certificate (TIN Number and GST Number)"

Instructions also given to all the Revenue officials, Police officials and Mines Officials and all Check post authorities to allow the vehicles carrying the crusher material with the above documents.

4. The learned counsel appearing for the petitioner is in possession of all the above certificates issued by the concerned authorities. In the above circumstances



as per the report submitted by the District Collector, if the petitioner possessed all the above mentioned documents for transporting the quarrying material, the respondents are directed to permit the petitioner to transport the same, and it is made clear that if the petitioner does not possess any one of the documents mentioned above, the respondents are at liberty to prevent the petitioner from transporting the material from Kanniyakumari District to Kerala.

5. With the above directions, this writ petition is disposed of. No costs. 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 Assistant Director, Geology and Mining Department, Nagercoil, Kanyakumari District.
3. The Superintendent of Police, Kanyakumari District, Nagercoil.
4. The Assistant Superintendent of Police, Padmanabhapuram, Thuckalay, Kanyakumari District.

+ 1 cc TO Ms.C.Bharathi , Advocate in SR No. 50298
+ 1 cc TO The Special Government Pleader in SR No. 50598

TM
AE/SV MMS/SAR4/26.02.2018/3P/7C

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