



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**W.P. (MD) No.11624 of 2018**

WEB COPY

N.Sanal Kumar

... Petitioner

-vs-

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The Superintendant of Police,
Kanyakumari District,
Kanyakumari.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to give a suitable instruction for the police officials at Padanthallumoodu Check Post and Kozhivilai Check Post so as to transport the M-Sand and crusher materials from Kanyakumari to Thiruvananthapuram through lorries in the light of the first respondent's proceedings in Rc.No.253-A/G&M/2017 dated 01.02.2018.

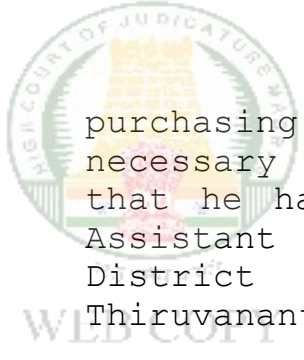
For Petitioner : Mr.S.Sukumar
For Respondents : Mr.B.Pugalendhi,
Addl. Advocate General
Assisted by Mr.C.Ramar,
Addl. Govt. Pleader

ORDER

This writ petition has been filed, seeking a direction to the second respondent to give suitable instructions to the Police Officials at Padanthallumoodu Check Post and Kozhivilai Check Post so as to transport the M-Sand and crusher materials from Kanyakumari to Thiruvananthapuram through lorries, in the light of the first respondent's proceedings in Rc.No.253-A/G&M/2017 dated 01.02.2018.

2. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

3. It is the case of the petitioner that he is running a business in the name and style of M/s.Orma Traders and he is into the business of transportation of M-Sand and crusher materials from Kanyakumari to Thiruvananthapuram through lorries by



purchasing the same from the licensed quarry owners on payment of necessary tax under GST. It is the further case of the petitioner that he has already obtained a transit pass in Form-F from the Assistant Director of Geology and Mining Department, Kanyakumari District for transport of materials from Kanyakumari to Thiruvananthapuram.

4. It is the grievance of the petitioner that the Police Officials deployed at the check posts at Padanthallumoodu and Kozhivilai, despite showing valid documents for transportation, did not allow the petitioner to carry out the transportation business, which made him to approach the 2nd respondent for necessary permission. The 2nd respondent, in turn, replied to the petitioner by proceedings dated 23.11.2017 to the effect that the M-Sand and crusher materials can be allowed to be transported to Thiruvananthapuram on getting proper permission from the 1st respondent / District Collector.

5. In pursuance thereof, the petitioner had submitted a detailed representation to the 1st respondent, seeking permission for smooth conduct of the transportation business and the 1st respondent, by proceedings dated 01.02.2018, permitted the petitioner to transport M-Sand and other materials through lorries after production of necessary documents.

6. In furtherance of the order passed by the 1st respondent, when the petitioner attempted to transport the materials, again the very same Police Personnel at the check posts prevented him to proceed further, despite possession of valid documents for such transportation and though the said act of the Police Officials was brought to the attention of the 2nd respondent by way of representation dated 27.04.2018, till date, no action was taken thereon to sort out his grievance. Therefore, having found no other efficacious remedy, the petitioner is before this Court with the above prayer.

7. The learned Special Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the 2nd respondent, the representation of the petitioner dated 27.04.2018 will be considered and appropriate orders be passed thereon.

8. Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner dated 27.04.2018 and pass necessary orders on the same on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order, in the light of the proceedings of the first respondent in Rc.No.253-29/2017 dated 01.02.2018.



9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

WEB COPY/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District,
at Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

+1cc to Mr.S.Sukumar, Advocate Sr.No.66508

STS/SML/AR

VB/SKN/RSK/SAR2/05.06.2018/3P/4C

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