



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19774 of 2018

and

W.M.P. (MD) No.17556 of 2018

J.Benny Jacob

... Petitioner

vs.

1.The District Collector,
Theni District.

2.The Assistant Director,
(Geology and Mines) Department,
Theni District.

3.The Superintendent of Police,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus to forbear the respondents from interfere with the petitioner's right of transporting the permitted granite building stone from Anakara, Kerala to several districts of Tamilnadu through all the roads in Theni District, under license No.DL.06/18-19/MM/GS/DOI/799/M/18 and transport permit No.P.Tem.37/89/2018.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by
Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

From the materials and pleadings in the affidavit filed in support of the writ petition, no specific cause of action has been pleaded except stating that the vehicle transporting certain permitted minerals have been intercepted by the officials of the respondents without any authorisation. Therefore, the petitioner is before this Court seeking omini bus direction in the guise of issuance of writ of Mandamus.



2. The learned Additional Advocate General appearing for the respondents has strongly objected by stating that if such blanket direction is to be given in this matter, it will only encourage illegal transportation of minerals by the petitioner by misusing this direction from this Court as prayed for in the writ petition.

3. In the above circumstances, this Court is of the view that it cannot be a party to give such general direction, as it is always open to the petitioner to show his *bonafide* to the officials concerned, whenever the activities are questioned by the officials concerned and it is certainly not open to the petitioner to approach this Court seeking a generic direction to the respondents to restrain them from interfering with the activities of the petitioner. Such generic prayer cannot be granted without stating any specific cause action against the interest of the petitioner.

4. For the above stated reasons, this Court is of the considered view that the Writ Petition is not maintainable and accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The District Collector,
Theni District.
- 2.The Assistant Director,
(Geology and Mines) Department,
Theni District.
- 3.The Superintendent of Police,
Theni District.

+1 CC To MR.R.SURIYANARAYANAN, Advocate SR. NO. 85370
+1 CC TO The Special Government Pleader SR.NO. 85644

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