



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :11.07.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.1970 of 2010
and
M.P.No.1 of 2010

S.M.Jothinathan

..Petitioner

vs

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
3. The Tahsildar,
Bhavani,
Erode District.
4. The Tahsildar,
Perundurai,
Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Prohibition, prohibiting the respondents insisting the petitioner and his customers either to obtain transport permit or to get mentioning of the final place of destination in the bills issued by the Public Works Department, to transport the processed/filtered sand from the petitioner's stockyard situate at 23-A, K.V. Nagar 3rd Cross Street, Sathy Road, Kavindapadi, Erode District to the place of the petitioner's purchasers' destination.

For Petitioner : M/s.N.Manokaran
For Respondents : Mr.J.Ramesh, AGP

O R D E R

The prayer sought for in this Writ Petition is for the issuance of a Writ of Prohibition, prohibiting the respondents insisting the petitioner and his customers either to obtain transport permit or to mention the final place of destination in the bills issued by the Public Works Department, to transport the processed/filtered sand from the petitioner's stockyard



situate at 23-A, K.V. Nagar 3rd Cross Street, Sathy Road, Kavindapadi, Erode District to the place of the petitioner's purchasers' destination.

2. When the matter came up for hearing, learned Additional Government Pleader produced Rule 38(C) The Tamil Nadu Minor Mineral Concession Rules, 1959, which states that the position has been settled by the Government. Rule 38(C) reads as follows:

"(1) (a) No person shall transport sand without a valid transport permit issued by the Public Works Department or without a sale slip of Licensee duly authenticated by the taluk headquarters Deputy Tahsildhar [or Assistant Engineer/Assistant Executive Engineer (Water Resources Department), Public Works Department of Assistant Director/Deputy Director of Geology and Mining Department] of the jurisdiction from which the sand is transported.

(b) No person stock sand for sale in any place without a valid licence."

3. In view of the above position, the prayer sought for cannot be granted and the licence holder has to produce a valid transport permit and after a lapse of 10 years, I do not find any merits in the case. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.



3. The Tahsildar,
Bhavani,
Erode District.

4. The Tahsildar,
Perundurai,
Erode District.

+lcc to Government Pleader sr.59237

W.P.No.1970 of 2010

cp(co)
nr 28/08/2019