IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.9602 of 2019
and W.M.P.Nos.10211, 10213 and 10215 of 2019

Unamancheri Blue Metal Industries Association
Rep.by its President M.C.Ranganathan,
Unamancheri Village (Via) Nallambakkam Road,
Vandalur, Chennai-600 127. ... Petitioner

Versus

1. The Commissioner of Geology & Mining,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai-32.

2. The District Collector,
Kancheepuram District.

3. The Deputy Director of Mining,
Office of the District Collector,
Collectorate, Kancheepuram District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorari calling for the records relating to the impugned order of the 2^{nd} respondent in Na.KA.837/Q3/2018 dated 07.01.2019 and quash the same.

For Petitioner : Mr.P.Kumaresan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the second respondent.

2. The petitioner being an Association has filed this writ petition challenging the communication of the District Collector, Kancheepuram, who has instructed the Tahsildars to prevent the movement of crushed stones and M.Sand without proper transit pass, In order to prevent illegal mining.

3. The apprehension of the petitioner's association is that under the garb of instruction for the movement of crushed stones and M.Sand, they are trying to collect the seigniorage fee, which they have already paid at the mining site. The attempt of the second respondent collecting seigniorage fee for crushed stones and M.Sand amounts to double taxation.

4. In the counter filed by the respondent it is stated that they are not insisting upon seigniorage fee but only insisting upon the proper registration of the mining dealer as per rule 3 (1)(2) to transport minerals. While doing so, for the invoice they raise, they should indicate the GST number and pay the requisite GST for the sale of goods.

5. Further, it is stated that the members of the petitioner's association have to follow the rules under the Tamil Nadu Mines and Minerals Act, 1979. Without valid quarry lease stone cannot be mined and transported. Once it is transported to crushing units and get converted into crushed stones and M.Sand the same should be transmitted only with valid transit pass so as to prevent the transport of illegal mine stones.

6. In the counter, the second respondent has specifically stated that no person other than mineral dealers shall store or cause to be stored any mineral at any place for the purpose of sale or consumption. Therefore, the Association consisting of members having crushed stones and M.Sand has to first satisfy rule 3(2) and whenever they effect any sale they should pay the GST. Transit permit is insisted only for the purpose to prevent M.Sand and crushed stones getting transported illegally.

7. In the light of the above counter, it is made clear that the second respondent has no intention of collecting seigniorage fee for M.Sand and crushed stones which are transported from the crushing unit if the product is already levied seigniorage fees at the mining point.

8. In such circumstances, recording the said statement, the writ petition is disposed of. Any mining dealer, duly registered under the Mines and Mineral rules as well as registered under GST Act, is entitled to transport the mineral on payment of GST as well as after obtaining transit permit. There shall be no

order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

1. The Commissioner of Geology & Mining,
   Thiru Vi Ka Industrial Estate,
   Guindy, Chennai-32.

2. The District Collector,
   Kancheepuram District.

3. The Deputy Director of Mining,
   Office of the District Collector,
   Collectorate, Kancheepuram District.

+1cc to the Government Pleader, S.R.No.51232

W.P.No.9602 of 2019

MP(CO)
CS/29/07/2019