



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.1181 of 2019

and

W.M.P. (MD)No.990 of 2019

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Aneeka Traders,
Rep. by its Proprietor,
30-65-1, Neduvilai, Edaicode,
Kanyakumari District.

: Petitioner

Vs.

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Assistant Director,
Geology and Mining Department,
Nagercoil, Kanyakumari District.

3.The Superintendent of Police,
Nagerkovil, Kanyakumari District.

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 for issuance of a Writ of Mandamus, directing the respondents herein to issue a necessary transport permit to the petitioner to transport the raw materials like jally, crusher dust and M sand from Kanyakumari District to Thiruvananthapuram District, through Netta and Kaliakakavilai check posts.

For Petitioner

: Mr.T.Pon Ramkumar

For Respondents

: Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

ORDER

The petitioner is carrying on business of buying and selling building materials to his customers on commission basis. He purchased jally, crusher dust and M sand from the crushers situated in Kanyakumari District and transported to his customers in the State of Kerala on commission basis. Even though he produced Form F to transport those materials, the third and fourth respondents prevented him from transporting the above materials. Therefore, he seeks intervention of the Court for direction, directing the respondents to permit him to transport the raw materials.



2. Heard both sides.

3. Even though the petitioner seeks transport of M sand, in view of the injunction order granted by this Court, he gives up the transport of M sand and for other materials, he seeks direction, directing the respondents to permit him to carry all these materials. The petitioner relies on the order of this Court in **W.P. (MD)No.2760 of 2018, dated 20.02.2018 [MJD Construction & Engineering Contractors P. Ltd. vs. The District Collector, Kanyakumari District, Nagercoil]**, in support of his contention.

4. The fourth respondent filed a counter-affidavit and in that counter also, a stand is taken that if the petitioner possesses the valid documents, they are not standing in the way of his legal business.

5. Paragraph No.3 of the order dated 20.02.2018 in W.P.(MD) No.2760 of 2018, reads as under:

"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 Tamil Nadu 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 concerned 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."

6. If the petitioner produces the necessary certificates relevant to his business mentioned in the above order, the

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respondents are directed to permit the petitioner to transport the building materials.

7. The Writ Petition is ordered accordingly. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Assistant Director,
Geology and Mining Department,
Nagercoil, Kanyakumari District.

3.The Superintendent of Police,
Nagerkovil, Kanyakumari District.

4.The Assistant Superintendent of Police,
Padmanabhapuram, Thuckalay,
Kanyakumari District.

+1 CC to M/s.T. PON RAMKUMAR, Advocate (SR-96245[F] dated 06/11/2019)

+1 CC to M/s.SPL GP (SR-96352[F] dated 06/11/2019)

W.P. (MD)No.1181 of 2019

Dated: 05.11.2019

KK/SAR/08.11.2019/3P-7C/