



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P.(MD)No.25381 of 2019

and

WMP(MD)No.21956 of 2019

R.Sabu

.. Petitioner

Vs.

1.The Secretary to Government,
Mines and Minerals
Secretariat, Chennai - 9.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Assistant Director (Mines and Minerals),
Tenkasi,
Tirunelveli District.

4.The Assistant Superintendent of Police,
Tenkasi, Tirunelveli 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 and their men from preventing the petitioner from transporting crusher dust, M-sand, gravel and building materials from Tamilnadu to Kerala through Puliyarai check post at Tirunelveli District in the light of the order passed by this Court in W.P(MD) No.4662/2019.

For Petitioner

: Mr.F.Deepak

For Respondents

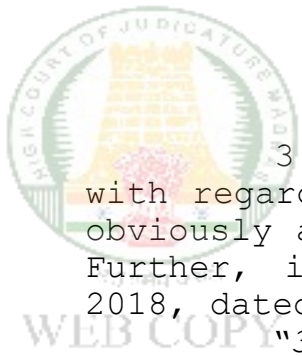
: Mr.P.Kannithevan

Additional Government Pleader

ORDER

Mr.P.Kannithevan, learned Additional Government Pleader takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing on either side.



3.The Hon'ble Division Bench has passed an interim order with regard to transportation of M-sand. Therefore, the authorities obviously are bound by the direction of the Hon'ble Division Bench. Further, in an identical issue, this Court in W.P(MD)No.2760 of 2018, dated 20.02.2018, has observed 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 Tamilnadu 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 concern 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.

4.The learned counsel appearing for the petitioner submitted that he is in possession of all the above certificates issued by the concerned authorities. In the above circumstances as per the report submitted by the District Collector, if the petitioner possessed all the above mentioned documents for transporting the quarrying material, the respondents are directed to permit the petitioner to transport the same, and it is made clear that if the petitioner does not possessed any one of the document mentioned above, the respondents are at liberty to prevent the petitioner from transporting the material from Kanniyakumari District to Kerala.

5.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."



4.The learned counsel appearing for the petitioner stated that there is no bar for transporting crusher dust. But, then the petitioner will have to carry a valid permit to indicate that crusher dust was obtained from a permitted quarry. If the petitioner is having valid permit, the respondents would definitely not prevent the petitioner from transporting crusher dust. But this Court will not pass any omnibus orders. The respondents are always at liberty to check the vehicle and demand production of the documents. If the petitioner is having a valid documents, the respondents will not prevent the petitioner from transporting crusher dust.

5.The Writ Petition is disposed of with the above observations. No costs. Consequently, WMP(MD)No.21956 of 2019 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mj

To

1.The Secretary to Government,
Mines and Minerals
Secretariat, Chennai - 9.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Assistant Director (Mines and Minerals),
Tenkasi,
Tirunelveli District.

4.The Assistant Superintendent of Police,
Tenkasi, Tirunelveli District.

+1 CC to M/s.F.DEEPAAK, Advocate (SR-102521[F] dated 29/11/2019)

+1 CC to M/s.GP (SR-102962[F] dated 02/12/2019)

W.P. (MD)No.25381 of 2019

28.11.2019

KK/SAR/09.01.2020/3P-7C/

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