



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08/09/2021

CORAM:

THE HONOURABLE MR JUSTICE R.SURESH KUMAR

W.P. (MD) No.4496 of 2020
and W.M.P (MD) No.5192 of 2020

Nagercoil Region Stone, Sand, Lorry
& Mini Lorry owners Welfare Association
having its Registered Office at,
6/34, Palapanabanputhoor,
Vazhukkamparai, Suchindram Post,
Agasteeswaram Taluk, Kanyakumari District,
Rep by its secretary,
B. Dennis Gold

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The District Collector,
Office of the District Collector,
Tirunelveli District.

3. The Assisatant Director of Geology and Mines,
Kanyakumari District,
Nagercoil.

4. The Assistant Director of Geology and Mines,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to issue Transport Pass of minerals from quarrying spot by specifically mentioning the date and time in words and in numeric in consonance with order of the 1st respondent vide Na.Ka.No118/Pu.Ma.Su/2018 dated 09.07.2018 and may curtail the misappropriation of the public money and revenue to Government.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.D.Ghandhiraj
Government Advocate

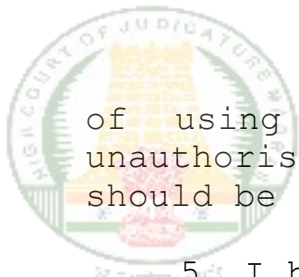
**ORDER**

The petitioner is an Association consisting of Nagercoil Region stone, sand, lorry and mini lorry owners. They espoused a public cause, which is a cause of them also that, most of the quarry units are running in the Districts of Kanyakumari and Tirunelveli, the quarry owners, in violation of the instruction in this regard issued by the District Collector on 09.07.2018, are issuing transport pass only once for a vehicle for a day. They insisted the lorry owners to operate more trips carrying more quarry materials by this 'pass' and because of such illegal action on the part of the quarry owners, loss of revenue to the Government is occurred and the lorry owners, the drivers and staff employing in the lorries are also under heavy pressure to take more trips by using only one transport pass. In order to remove this menace, the petitioner Association has given a representation on 05.10.2019 to the District Collector concerned, who are the respondents 1 and 2 herein. As there was no further action on such representation, the petitioner association had approached this Court by filing the present Writ Petition with the above said prayer.

2. When this Writ Petition came up for hearing on 01.09.2021, a direction was issued to the District Collector, who are the respondents 1 and 2 herein, to file a status report on the issue raised in this Writ Petition.

3. Accordingly when the Writ Petition is taken up for hearing today, Mr.B.Gandhiraj, learned Government Advocate has filed status reports on behalf of the respondents 1 and 2, the District Collector of Kanyakumari and the District Collector of Tirunelveli District respectively. He would submit that necessary steps are being taken by the District Administration in both Districts to control such menace of using the same permit for several lorry trips and in this regard, thorough checkup and 24X7 vigil has been maintained by the District Administration, result of which, number of vehicles which violated the instructions and unauthorizedly transported the minerals were intercepted and seized and penalty have been levied on them and in this regard, what steps have been taken by the District Administration has been explained in the respective status reports and therefore, by accepting the status reports, this Writ Petition can be disposed of.

4. On receipt of the status reports filed by the District Collectors concerned and after gone through the same, the learned counsel for the petitioner would contend that even though steps have been taken by the District Administration, still the menace



of using the single permit and transporting more minerals unauthorisedly continue in both the Districts. Therefore, it should be directly monitored by the District Administration.

5. I have considered the above said submissions of the learned counsel appearing for both sides.

6. In the status report filed by the first respondent District Collector Kanyakumari it has been stated as follows:

" 5.It is submitted that, in respect of Kanniyakumari District, as per Madurai Bench of Madras High court Order in WP(MP)No.7607 of 2019, dated 01.04.2019, the quarrying operation within the Eco Sensitive Zone of Kanniyakumari Wild Life Sanctuary has been stopped and only 5 quarries are under operation in District at present. Due to insufficient production of stone in Kanniyakumari District owing to less number of operative quarries, people are procuring the stone, jelly etc from the operative quarries in Tirunelveli District and transporting to their crushing unit / construction site etc.,

6. It is submitted that, as requested by the petitioner, notices were issued to all the owners of the operative quarries and stockyard in Kanniyakumari District vide Notice No.54/G&M/2020 dated 12.02.2020, with the instruction to clearly mention the date of issue of transit pass, departure time of the vehicle at the quarry site, destination and approximate time required to reach the destination with stamp. It is also stated that if any variation are found, strict action shall be taken as per Mines act.

7. It is also submitted that, in Kanniyakumari District a total number of 262 vehicles were seized for unauthorized transportation of Minerals for the period from April-2019 to February-2020. It is further submitted that the illegal transporting of minerals are being curtailed by checking the vehicles at Check Post formed by Police Officials and being continuously monitoring by Revenue/Mines Officials. "

7. Likewise, in the status report submitted by the second District Collector, Tirunelveli, it has been stated as follows:

"6. It is submitted that as far as Tirunelveli District is concerned all the quarry operators have already been instructed to note the time and date in the dispatch slip in words and numbers vide letter No. Rc.M1/1500/2019 dated 04.12.2019. During the vehicle check, the checking officials invariably



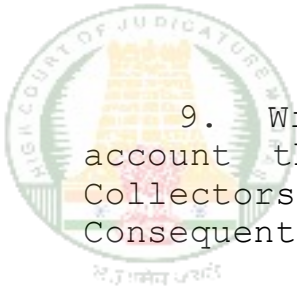
verify whether the given instructions are being followed.

7. It is also submitted that, in Tirunelveli District a total number of 383 vehicles were seized levied. Criminal cases have been also filed for the period from April-2019 to February-2020. It is further submitted that the illegal transportation of minerals are being curtailed by checking the vehicles and being continuously monitoring by Revenue/Mines/Police Officials.

8. It is submitted that of one Thiru. Maria Robin, a quarry lessee of roughstone lease in SF. no. 205/1A(P) of Irukkandurai Part - II village, Radhapuram Taluk has been show caused vide memo Rc. No. M1/47664/2016, dated 13.03.2020 for the corrections made in the dispatch slips issued from the quarry site.

9. It is further submitted that, the lessee has furnished his reply that he has not made any corrections in the despatch slips issued from his quarry site and submitted the counter copy of the despatch slips bearing Nos. 34135 & 34489. The lessee has also produced the details of the vehicles transported the minerals from his quarry site. On scrutiny of counter copy and the vehicle details it is found that the lessee has not issued despatch slips to the above mentioned vehicles for the second time on 04.02.2020 and 18.02.2020".

8. On perusal of the status reports, this Court feels that both the District Administration has been taking efforts to check the menace of illegal transportation of minerals. Despite this vigil action taken on the part of the District Administration and the instructions given from time to time by the District Administration, if still unauthorized transportation of minerals continue, that should be curbed with iron hands as it will create not only nuisance to the general public and natural resources are being exploited without any authorization besides heavy amount of revenue to the Government would be lost. In order to avoid this, the District Administration, the District Collectors, that is the respondents 1 and 2 shall be more vigilant in future to curb the illegal transportation of minerals in the respective revenue Districts. In this regard, if any specific complaint is received from any one against any quarry owner, transport operator about the illegal transportation of minerals, the same shall be immediately attended to and quick action shall be taken to bring the culprit into book and necessary corrective measures shall be taken against erring persons and officials under relevant law.



9. With these directions and observations and by taking into account the above said status reports filed by the District Collectors, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The District Collector,
Office of the District Collector,
Tirunelveli District.
3. The Assisatant Director of Geology and Mines,
Kanyakumari District,
Nagercoil.
4. The Assistant Director of Geology and Mines,
Tirunelveli District.

+1 CC to M/s.GP (SR-28688[F] dated 09/09/2021)

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-28630[F] dated 09/09/2021)

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and W.M.P (MD) NO.5192 of 2020
08.09.2021

RK/UV (08/11/2021) 5P 7C