



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.04.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD)No.8536 of 2021
and
WMP (MD)No.6417 of 2021

Sumal Mathew

.. Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu,
Mines and Minerals,
Secretariat, Chennai - 9.

2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Superintendent of Police,
Tenkasi District,
Tenkasi.

4.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.

5.The Sub-Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

6.The Assistant Director,
Mines and Minerals,
Tenkasi,
Tenkasi 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 necessary permit to the petitioner for transporting M-Sand, Quarry Dust, P.Sand, GSB extra from Tamil Nadu to Kerala State, through Puliyarai Check Post, Tenkasi District, in the light of the order passed by this Court in W.P(MD)No.25381 of 2019, dated 28.11.2019 and in the light of the representation of the petitioner dated 16.04.2021 by the considering the same in accordance with law.



For Petitioner : Mr.A.Saravanan
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents.

2. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing on either side.

4. 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 possess 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."

5. Following the same, in similar issue, this Court vide order dated 28.11.2019, disposed of the writ petition in W.P(MD) No.25381 of 2019. The relevant portion of the said order is extracted hereunder:

"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."

6. In view of the above, 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 shall not prevent the petitioner from transporting crusher materials from Tamil Nadu to Kerala State .

7. The Writ Petition is disposed of with the above observations. No Costs. Consequently, connected Miscellaneous Petition is closed.

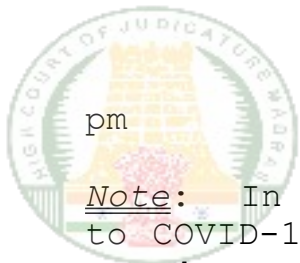
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



pm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
State of Tamil Nadu,
Mines and Minerals,
Secretariat, Chennai - 9.

2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Superintendent of Police,
Tenkasi District,
Tenkasi.

4.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.

5.The Sub-Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

6.The Assistant Director,
Mines and Minerals,
Tenkasi,
Tenkasi District.

+1 CC to MR.A.SARAVANAN, Advocate (SR-17880[F] dated 28/04/2021)

+1 CC to SPL GP (SR-17908[F] dated 28/04/2021)

W.P. (MD)No.8536 of 2021

27.04.2021

KM(28.05.2021) 4P 9C