



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14304 of 2021

& WMP(MD) No.11224 of 2021

WEB COPY

M/s.London Dollor,
rep. by its Proprietor,
Mr.Renjith Bhasi,
X/1110, Vellamkolli, Altharamoodu,
Thiruvananthapuram,
Kerala State-695 102

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Assistant Director of Mines,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to allow the trucks belongs to the petitioner company for transporting the building raw materials accompanied with valid and legal documents without any disturbance by the respondents on the basis of the petitioner's representation dated 27.07.2021.

For Petitioner : Mr.C.Muthusaravanan

For Respondents : Mr.D.Ghandiraj, GA

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the respondents to allow the trucks belongs to the petitioner company for transporting the building raw materials accompanied with valid and legal documents without any disturbance by the respondents on the basis of the petitioner's representation dated 27.07.2021.

2.Heard, Ms.C.Muthusaravanan, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents.

3.The prayer sought for by the petitioner is to consider the representation of the petitioner dated 27.07.2021 given to the first respondent with regard to his grievance that the vehicle transporting building raw materials from Kanyakumari District to



Kerala State should not be unnecessarily stopped by the Check Post Authorities working under the respondents 1 to 3.

4.Heard, the learned counsel appearing for the petitioner and Mr.D.Ghandiraj, learned Government Advocate, who takes notice for the respondents.

5.When this Writ Petition comes up for hearing today, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents on instructions would submit that the first respondent/District Collector by his proceedings dated 18.09.2021 in RC.No.219/G&M/2021 having considered the request of the petitioner had rejected it. According to the learned Government Advocate, a copy of the said rejection order has already been despatched to the petitioner.

6.However, the learned counsel for the petitioner has submitted that the petitioner has not received any such order.

7.Be that as it may. Now the representation of the petitioner dated 27.07.2021 having been considered was rejected by the first respondent on 08.09.2021 and the copy of the said order has been produced before this Court, wherein, inter alia, the first respondent has stated in paragraph no.7 of the said order, which is extracted hereunder:

'7.In compliance of all the provisions stated above on curtail of illegal transportation of minerals, the District Administration has to verify the records of the mineral loaded vehicle by establishing a check-posts and measure the quantity of mineral being transported etc. Hence, the detention of vehicle may occur temporarily due to checking of mineral loaded vehicle.

In view of the above, the request of the representative company for movement of vehicles transporting building raw materials without any disturbance and interruption to vizhinjam Port Pvt.Ltd., Kerala State could not be considered and rejected as the District enforcement authorities are having liberty to check vehicle transporting mineral at all times of transportation.'

8.In view of the said rejection order passed by the first respondent, the learned counsel for the petitioner would submit that if the said copy of the order is furnished to the petitioner or to him, the petitioner would work out his remedy, challenging the said order in the manner known to law.



9. In view of the aforesaid development, where the representation of the petitioner having been considered and the same was rejected as referred to above, this Court is inclined to dismiss the Writ petition as the prayer sought for by the petitioner has become infructuous. Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to challenge the said proceedings of the first respondent dated 08.09.2021 in the manner known to law, if he is so advised. No costs. Consequently, connected Miscellaneous Petition is closed. It is needless to say that a copy of the said proceedings dated 08.09.2021 of the first respondent/District Collector shall be furnished to the learned counsel for the petitioner by the learned Government Advocate.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Assistant Director of Mines,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-30585[F] dated 29/09/2021)

W.P (MD) No.14304 of 2021
28.09.2021

SMV (CO) /RS (22.10.2021) 3P 5C