



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.14305 of 2021 and

WMP(MD) No.11226 of 2021

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M/s.London Dollar,
Rep.by its Proprietor,
Mr.RenjithBhasi,
X/1110, Vellamkolli,
Altharamoodu,
Thiruvananthapuram,
Kerala State-695102

...Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Superintendent of Police,
Tirunelveli District.

3.The Assistant Director of Mines,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 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 representation dated 27.07.2021.

For Petitioner :Mr.C.Muthusaravanan

For Respondents :Mr.D.Ghandiraj
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus. The petitioner is transporting building raw materials between Tamil Nadu and Kerala State and in this regard, according to him, he is having valid permits to transport through number of vehicles owned by the petitioner, and when such movement of vehicles are undertaken between the border of State of Tamil Nadu and Kerala, in the relevant check posts, the vehicles belong to the petitioner have been subjected to a longer period of halt, on the alleged



reason that various legal documents are being verified.

2. Only in that context, the petitioner had given a representation on 27.07.2021 to the respondent, to consider the plea of the petitioner, to issue a suitable direction to the concerned official and staff of the check post concerned, to clear the vehicles of the petitioner as quickly as possible, without making the vehicles of the petitioner to halt in the check posts for a longer time.

3. Since the said representation of the petitioner has not been considered by the respondents, he has come forward by filing the present Writ Petition with the aforesaid prayer.

4. At the admission stage, Mr. D. Ghandiraj, the learned Government Advocate took notice for the respondents and he wanted some time to get instructions. Accordingly, the Writ Petition again came up for hearing today (07.09.2021).

5. The learned Government Advocate appearing for the respondents has submitted that, the representation submitted by the petitioner dated 27.07.2021, having been considered and rejected by the first respondent District Collector, stating that the reason as to why the plea raised by the petitioner cannot be considered and granted, by order dated 04.09.2021, in R.C.No.M3/16465/2021 and he has also produced the copy of the said rejection order dated 04.09.2021.

6. On receipt of the same and after having gone through the same, Mr. C. Muthusaravanan, the learned Counsel for the Petitioner would submit that, for reasonable cause, if the vehicles are intercepted and has been made to wait at the check post for want of verification of documents, it can be accepted and if the vehicles are kept halt for a longer time unnecessarily is a genuine grievance and the representation sent to the first respondent District Collector is not properly considered and therefore, the rejection order is liable to be set aside, he contended.

7. Be that as it may, the prayer sought for herein is for issuance of a Writ of Mandamus to consider the petitioner's representation on merits within a time frame. During the pendency of the Writ Petition, of course as quickly as possible, now the representation has been rejected by the first respondent by order dated 04.09.2021 and in view of the same, it is open to the petitioner to challenge the said order, if he is advised to do so. However, the merits of such rejection order cannot be canvassed at this stage in this Writ Petition. Therefore, by recording the aforesaid development, this Writ Petition can be disposed of.

8. In the result, the Writ Petition is disposed of by recording the aforesaid development, with liberty to the petitioner to challenge the order now produced by the learned Government



Pleader passed by the first respondent dated 04.09.2021 in the manner known to law, if he is advised to do so. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn/tmg

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,
Tirunelveli District.
2. The Superintendent of Police,
Tirunelveli District.
3. The Assistant Director of Mines,
Tirunelveli District.

+1 CC to M/s.GP (SR-28506[F] dated 08/09/2021)

W.P. (MD) No.14305 of 2021 and

MP (MD) No.11226 of 2021

07.09.2021

RD(25.10.2021) 3P 5C