



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18521 of 2019

and

W.M.P. (MD)No.14926 of 2019

WEB COPY

D.Rajasubramanian

... Petitioner

Vs.

1.The Commissioner of Geology and Mining,
Thiruvika Industrial Estate,
Guindy, Chennai - 32.

2.The District Collector,
Kanyakumari District.

3.The Assistant Director of Geology and Mining,
Collectorate Building,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to insist the petitioner to register as a dealer under Tamilnadu Prevention of illegal mining, transportation and storage of Minor and Mineral Dealers Rules, 2011 and consequently not to interfere with the transport of the crushed materials from the crushing unit of the petitioner to end users through sales invoice containing GST Number.

For Petitioner : Mr.D.Saravanan

For Respondents : Mrs.Narmadha Sampath,
Additional Advocate General,
Assisted by Mr.G.Arjunan,
Government Advocate.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General for the respondents.

2.The petitioner is running a stone crusher unit. He has obtained prior approval from all the statutory authorities. His main business is to crush the rough stones into jelly. The petitioner has filed this writ petition, because the respondents have insisted that the petitioner should register himself as a dealer under Tamilnadu Prevention of Illegal Mining, Transportation and Storage of Minor and Mineral Dealers Rules, 2011.



3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.I am unable to agree with the aforesaid contentions of the learned counsel for the petitioner. As rightly pointed by the learned Additional Advocate General, the petitioner would clearly fall within the definition of mineral dealer occurring in Rule 2(xv) of the Tamilnadu Prevention of illegal mining, transportation and storage of Minor and Mineral Dealers Rules, 2011. The definition reads as under:-

*"(xv) **"mineral dealer"** means any person who carries on the business of buying, selling, storing, supplying, transporting distributing or delivering for sale of mineral or its products and includes."*

5.The learned counsel for the petitioner would admit that the petitioner is buying rough stones from the quarry owners and selling the finished goods to third parties. During this process, the petitioner will obviously be storing the mineral in their unit premises. Thus, the petitioner is engaged in the business of buying, selling and storing the mineral. The petitioner's case is squarely falling within the statutory definition. Therefore, the respondents are fully justified in insisting that the petitioner should register himself as a dealer under the aforesaid Rule.

6.I find no ground to grant relief. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Commissioner of Geology and Mining,
Thiruvika Industrial Estate,
Guindy, Chennai - 32.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector,
Kanyakumari District.

3.The Assistant Director of Geology and Mining,
Collectorate Building,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-13383[F] dated 24/03/2021)

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23.03.2021

SRK (CO)
KB (27.04.2021) 3P 5C