



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21743 of 2017

J.Rajkumar

... Petitioner

Vs

The Assistant Director,
Mines and Minerals,
Thoothukudi District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to permit the petitioner to establish a stockyard to store M-Sand at Sathya Traders No.1/23A, Thottiyar Kudiyruppu, Kurangani, Thoothukudi District and to sell the M-Sand to customers within the time limit that may be stipulated by this Court.

For Petitioner	: G.Thalaimutharasu
For Respondent	: Mr.G.Arjunan Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner claims that he is trading in M.Sand. His grievance is that the respondent is interfering with his legitimate business activity. He has therefore given a representation dated 01.11.2017 and followed up the same by filing a writ petition for directing the respondent to permit him to establish a stockyard to store M.Sand. The petitioner's request is opposed by the respondent.

3.The respondent's counsel has also filed a counter affidavit. He would point out that the petitioner must have a valid transit pass for his vehicle for transporting M.Sand as per Rule 6 of Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011. In paragraph No.5 of the counter affidavit, it has been stated as follows:-

"5.Regarding the averment in para 6, it is submitted that according to new Mineral Dealers Rules, 2011 every mineral dealer or any person desirous of being registered as a mineral dealer should apply to the District Collector as per Rule 4(1) in Form-A in triplicate along with the application fee of Rs.5000/- drawn in favour of the District Collector. After due enquiries and scrutiny of documents, a registration certificate



in Form 'D' will be issued by the Collector vide Rules 5(3)(a) and valid for five years. The registered mineral dealer should apply to the Deputy Director/Assistant Director of Geology and Mining in Form 'F' requesting transit pass to transport the mineral from his stockyard. After verifying the payment of seigniorage for that mineral, the Deputy Director/Assistant Director of Geology and Mining will issue transit pass in Form 'F' as per Rule 6(3) to transport mineral from one place to other. This procedure is applicable to retail dealers on mineral also. The writ petitioner should follow the above rules to continue his trade on M-sand."

4.It is for the petitioner to follow the statutory procedure as mentioned above. It is not for this Court to grant any direction as sought for. Giving liberty to the petitioner to move the respondent for granting him permission, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

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

The Assistant Director,
Mines and Minerals,
Thoothukudi District.

+1 CC to SPL GP (SR-5660[F] dated 17/02/2021)

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VB (24.02.2021) 2P 3C