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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.9026 of 2022
and W.M.P.No.8828 of 2022

D.Balakrishnan

...Petitioner

Vs

- 1.The Transport Commissioner,
Commissionerate of Transport and Road Safety,
Ezhilagam, Chepauk,
Chennai.
 - 2.The District Collector,
The Office of the District Collectorate,
Tiruvallur District. Tiruvallur.
 - 3.The Director of Geology and Mining Department,
The Office of the Geology and Mining Department,
Tiruvallur District. Tiruvallur.
 - 4.The Assistant Director of Mines and Minerals Department,
The Office of the Mines and Minerals Department,
Tiruvallur District. Tiruvallur.
 - 5.The Zonal Road Transport Officer,
Zonal Road Transport Office,
Tiruvallur District. Tiruvallur.
 - 6.The Regional Transport Officer,
Regional Transport Office,
Tiruvallur District. Tiruvallur.
 - 7.The Motor Vehicle Inspector,
Office of the Motor Vehicle Inspector,
Tiruvallur District. Tiruvallur.
- ... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the respondents from insisting the petitioner from altering the body of his lorries for transportation of mines and



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minerals based on the valid permit specifically when there is no overloading based on his representation dated 28.02.2022.

For Petitioner : Mr.C.Prabakaran

For R1, R2, R5 to R7: Mr.U.Baranidharan
Additional Government Pleader

For R3 & R4 : Mr.B.Vijay
Additional Government Pleader

ORDER

The petitioner has come out with the present Writ Petition for issuance of Writ of Mandamus forbearing the respondents from insisting the petitioner from altering the body of his lorries for transportation of mines and minerals based on valid permit.

2.By consent of the learned counsel appearing for the petitioner as well as learned Additional Government Pleaders appearing for the respondents, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1, 2, 5 to 7 as well as the learned Additional Government Pleader appearing for the respondents 3 and 4 and perused the materials on record.

4.When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 28.02.2022.

5.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents 1, 2, 5 to 7 submitted that the concerned Regional Transport Officers are acting upon, based on the circular issued by the 1st respondent and the representation of the petitioner will be considered on merits, within the time stipulated by this Court.

6.Considering the relief sought for by the petitioner, without deciding the issue on merits, the 1st respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To:

1. The Transport Commissioner,
Commissionerate of Transport and Road Safety,
Ezhilagam, Chepauk,
Chennai.
2. The District Collector,
The Office of the District Collectorate,
Tiruvallur District.
3. The Director of Geology and Mining Department,
The Office of the Geology and Mining Department,
Tiruvallur District.
4. The Assistant Director of Mines and Minerals Department,
The Office of the Mines and Minerals Department,
Tiruvallur District.
5. The Zonal Road Transport Officer,
Zonal Road Transport Office,
Tiruvallur District.
6. The Regional Transport Officer,
Regional Transport Office,
Tiruvallur District.
7. The Motor Vehicle Inspector,
Office of the Motor Vehicle Inspector,
Tiruvallur District.

+1cc to Mr.C.Prabakaran, Advocate SR.No.26189

+1cc to Government Pleader SR.No.25780

W.P.No.9026 of 2022

NR(CO)
GMY(05/05/2022)