



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.27546 of 2021

1. Ajeesh Vijayan
2. Biju Sebastian
3. Antony Raphael
4. P.M.Razak
5. Prasad, R.

... Petitioners

vs.

1. State of Tamil Nadu,  
rep. by its Principal Secretary,  
Fort St. George,  
Chennai 600 009.
2. The District Collector,  
Collectorate,  
Tirupur District,  
Tirupur, Tamil Nadu - 638 752.
3. The Superintendent of Police,  
Tirupur, Tamil Nadu - 638 752.
4. The District Forest Officer,  
Udumalai, Udumalai P.O.,  
Tirupur District,  
Tamil Nadu - 642 126.
5. The Revenue Divisional Officer,  
RDO Office, Udumalai P.O.,  
Tirupur District,  
Tamil Nadu - 642 126.
6. The Regional Transport Officer,  
Udumalai P.O.,  
Tirupur District,  
Tamil Nadu - 642 126.
7. The Tahsildar,  
Udumalai Taluk,  
Udumalai P.O.,  
Tirupur District,  
Tamil Nadu - 642 126.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order in Rc.No.989/2020/Mines, dated 05.09.2020 on the file of the 2<sup>nd</sup> Respondent and quash the same and permit the Petitioners to transport M-Sand, other quarrying products and minor minerals on valid transit pass from the State of Tamil Nadu to the State of Kerala.

For Petitioners : Mr.M.Vijayamehanath

For Respondents : Mr.B.Vijay,  
Addl. Government Pleader

#### O R D E R

Petitioners have come up with the present Writ Petition seeking to quash the order dated 05.09.2020 passed by the 2<sup>nd</sup> Respondent and to permit them to transport M-Sand, other quarrying products and minor minerals on valid transit pass from the State of Tamil Nadu to the State of Kerala.

2. According to the Petitioners, they are owners of Tipper Lorries and are only transporters of M-Sand and other quarry products from the State of Tamil Nadu on valid permit and they neither own any quarry nor involved in quarrying activities. It is stated by the Petitioners that, three Grama Panchayats viz. Vattavada, Marayoor and Kanthaloor of Devikulam Taluk of Idukki District have more proximity to the State of Tamil Nadu than the other parts of Devikulam Taluk of Idukki District and the nearest Municipality in the State of Kerala of those Grama Panchayats are situated 200 kms away in a hilly terrain. The entire Devikulam Taluk of Idukki District is ecologically sensitive under the Environmental Protection Act and hence, no quarrying operations are conducted in Devikulam Taluk and hence, the residents of the abovesaid Panchayats are purchasing quarrying products such as M-Sand, metals from various quarrying and crushing units at Udumalai Taluk of Tirupur District.

3. It is further stated by the Petitioners that, till 2019, transport of M-Sand, other quarry products and minor minerals were done based on the transport permit. While so, a batch of Writ Petitions in W.P.(MD) No.5081 of 2019 and connected cases, were filed seeking a direction to take appropriate action against illicit mining operations in Western Ghat areas of Kanyakumari District. This Court, by an order dated 14.03.2019, granted an interim order, directing the Respondents not to allow transportation of M-Sand from the State of Tamil Nadu to the other States until further orders. On the basis of the said order, the 2<sup>nd</sup> Respondent issued an order dated 05.09.2020 prohibiting transportation of M-Sand from the State of Tamil Nadu to other States. Challenging the said order, the



present Writ Petition is filed.

4. Learned counsel for the Petitioners submitted that, the impugned order has been passed based on the blanket interim order granted by the Madurai Bench of this Court and that, subsequently, the Madurai Bench has vacated the said interim order and directed the Respondents concerned to grant necessary permit for transportation of M-Sand in accordance with the Mines and Minerals Rules. Thus, according to the learned counsel, the impugned order passed by the 2<sup>nd</sup> Respondent herein based on the said interim order passed by the Madurai Bench of this Court in W.P.(MD) No.5081 of 2019 batch of cases, is not sustainable and he prayed for passing of appropriate orders.

5. Learned Additional Government Pleader appearing for the Respondents submitted that, the interim order granted by this Court was subsequently vacated, thereby directing the Authorities concerned to grant permission for transportation of M-Sand from the State of Tamil Nadu to other States. However, the said permission is subject to Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, as the interim order passed by the Madurai Bench of this Court in W.P.(MD) No.5081 of 2019 batch of cases, has been vacated, this Court is of the view that, there is no legal impediment for the Respondents in granting permission to the Petitioners for transportation of M-Sand to other States. Accordingly, the impugned order dated 05.09.2020 passed by the 2<sup>nd</sup> Respondent is quashed and the Respondents are directed to consider for grant of permission to the Petitioners to transport M-Sand, other quarrying products and minor minerals on valid transit pass from the State of Tamil Nadu to the State of Kerala, as per the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.Nos.29091 to 29094 of 2021 are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar



(aeb)

To:

1. The Principal Secretary,  
State of Tamil Nadu,  
Fort St. George, Chennai 600 009.
2. The District Collector,  
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+1cc to Government Pleader SR. No.2716

W.P.No.27546 of 2021

PCH (CO)  
PR (10/02/2022)