



W.P.(MD)Nos.15416 of 2020 and 11120 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15416 of 2020

and

W.M.P.(MD)No.12953 of 2020

and

W.P.(MD)No.11120 of 2021

W.P.(MD)No.15416 of 2020:-

C.P.Jaleel

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Theni District.
- 2.The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Theni District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 4.The Deputy Superintendent of Police,
Bodinaickanur Range, Theni District.
- 5.The Inspector of Police,
Bodinayakanur Police Station, Theni District.



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6.The Tahsildar,
Taluk Office, Bodinayakanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the vehicles of the petitioner, bearing Registration Nos.KL-17-S-401, KL-17-S-403, KL-69-B-7299, KL-69-B-3585, KL-69-B-1575, KL-41-A-4178 and KL-37-A-1575 to ply through Bodimettu from Theni District, Tamil Nadu to Kerala and from Kerala to Tamil Nadu as per the letter of the first respondent in Na.Ka.No.124/2020/G3, dated 05.10.2020.

For Petitioner : Mr.K.Appadurai

For R1, R2 and R6: Mr.K.S.Selvaganesan
Additional Government Pleader

For R3 to R5 : Mr.R.Sivakumar
Government Advocate (Criminal side)

W.P.(MD)No.11120 of 2021:-

Souriamkuzhy Traders,
Rep. by its Proprietor, Shijo Joseph
Nedumkandam Po,
Nedumkandam, Idukki,
Kerala State 685 508.

... Petitioner

-VS-

1.The District Collector,
Theni District.



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2.The Assistant Director,
Geology and Mining,
Theni.

3.The Superintendent of Police,
Theni District.

4.The Deputy Superintendent of Police,
Uthamapalayam Taluk, Theni District.

5.The Deputy Superintendent of Police,
Bodinayakanur Taluk, Theni District.

6.The Inspector of Police,
Cumbum Police Station, Theni District.

7.The Inspector of Police,
Bodinayakanur Police Station,
Theni District.

8.The Inspector of Police,
Kumuli Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein their men, subordinates and their officials from in any manner preventing the petitioner from carrying and transporting crusher dust/gravel from Uthamapalayam, Theni District, Tamil Nadu to Idukki District, Kerala, through the Check Posts of Cumbum Mettu, Kumuli Check Post and Bodi Mettu Check Post and consequently, directing the second respondent to issue transit pass and permit to the petitioner to carry and transport crusher materials (40mm, 20mm,



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12mm, and 6mm) crusher dust, vedmix, etc. from Theni District, Tamil Nadu to Idukki District, Kerala, through the Check Posts of Cumbum Mettu, Kumuli Mettu Check Posts and Bodi Mettu Check Post.

For Petitioner : Mr.K.Appadurai

For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R3 to R8 : Mr.R.Sivakumar
Government Advocate (Criminal side)

COMMON ORDER

The issue involved in both the Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. The petitioners have filed these Writ Petitions for a direction to the respondents to permit the vehicles of the petitioners to ply through Bodi Mettu and Cumbum Mettu from Theni District to Kerala and from Kerala to Tamil Nadu and not to prevent the petitioners from transporting crusher dust/gravel.

3. Heard the learned counsel appearing for the parties.



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4. It is seen from the records that the District Collector, Theni District, has already issued communication to the Superintendent of Police, Theni, on 05.10.2020 bringing to his notice the request made by the District Collector, Idukki and had given directions to permit the lorries that transport crusher dust/gravel through Bodi Mettu Check Post, Tamil Nadu to Kerala and from Kerala to Tamil Nadu.

5. It is also brought to the notice of this Court that the transit pass is now being issued and based on the transit pass, the vehicles are allowed to ply between Tamil Nadu and Kerala. The learned counsel appearing on behalf of the petitioners submitted that in spite of availability of the transit pass, the Police are stopping the vehicles and causing hardship.

6. The learned Additional Government Pleader appearing on behalf of the District Collector and the learned Government Advocate (Criminal side) appearing on behalf of the respondent Police submitted that wherever there is a valid transit pass, the same will be permitted to ply to and from Kerala.



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7. In view of the above, the grievance expressed by the petitioner has been sufficiently redressed. Any vehicle with the valid transit pass will not be unnecessarily detained and they will be allowed to transport the materials from Bodi Mettu and Cumbum Mettu, Theni District, Tamil Nadu to Kerala and from Kerala to Tamil Nadu.

8. These Writ Petitions are disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

18.10.2023

To

- 1.The District Collector,
Office of the District Collector,
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- 2.The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Theni District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,

6/8



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- 4.The Deputy Superintendent of Police,
Bodinaickanur Range, Theni District.
- 5.The Deputy Superintendent of Police,
Uthamapalayam Taluk, Theni District.
- 6.The Inspector of Police,
Bodinayakanur Police Station, Theni District.
- 7.The Inspector of Police,
Cumbum Police Station, Theni District.
- 8.The Inspector of Police,
Kumuli Police Station,
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- 9.The Tahsildar,
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N.ANAND VENKATESH, J.

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