



**W.P.(MD).No.18388 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 28.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).No.18388 of 2023  
and  
W.M.P(MD).No.15265 of 2023**

Kanyakumari District Tipper Lorry Owners Association,  
Represented by its President,  
P.David Raj

... Petitioner

**Vs.**

1.The Transport Commissioner,  
State Transport Authority (Commissionerate of Transport),  
Chepauk,  
Chennai – 600 005.

2.The District Collector Cum Regional Transport Authority,  
Kanyakumari District,  
Kanyakumari.

3.The Regional Transport Officer,  
Pattasalianvilai,  
Nagercoil.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceeding of the first respondent vide Proc No.24528/HA2/2023 dated 20.07.2023 and quash the same as illegal.



**W.P.(MD).No.18388 of 2023**

For Petitioner : Mr.R.Gandhi,  
Senior Counsel,  
For M/s.Gandhi Associates.

For Respondents : Mr.R.Suresh Kumar,  
Additional Government Pleader.

### **ORDER**

This Writ Petition is filed to quash the order dated 20.07.2023 passed by the first respondent.

2. The petitioner Association is aggrieved by the impugned order on two grounds. The impugned order is restricting the entering of mineral laden heavy vehicle not exceeding 10 wheels and it also directed not exceed 28,000 Kg. The petitioner association is not aggrieved by the prescription of weight. However, the petitioner association is aggrieved by the restriction of 10 wheels of heavy loaded vehicle.

3. According to the association members, apart from 10 wheels lorries, there are 12 wheels, 14 wheels and 16 wheels are involved in transportation of goods. If the respondents restrict the number of wheels in the vehicle, the association members would be forced to purchase new vehicles, which is not viable.



**W.P.(MD).No.18388 of 2023**

WEB COPY

4. The Learned Additional Government Pleader on instructions submitted that the impugned order is internal communication and such internal communication cannot be challenged. However, the petitioner submitted that the restrictions was considered based on the association representation only and hence it is not a secret document.

5. After hearing rival submission, this Court has given it anxious consideration. This Court is restricting the prayer of the petitioner. The petitioner is directed to submit a petition before the authorities expressing their difficulties regarding the restriction of wheels alone. After submission of such petition, the respondents shall consider the same and pass orders to the extent of number of wheels alone. That portion of the impugned order shall be kept in abeyance. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.



**W.P.(MD).No.18388 of 2023**

6. In view of the above, this Writ Petition is allowed in above terms.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**28.07.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
Nsr

**Note: Issue Order Copy on 31.07.2023.**

To

- 1.The Transport Commissioner,  
State Transport Authority (Commissionerate of Transport),  
Chepauk,  
Chennai – 600 005.
- 2.The District Collector Cum Regional Transport Authority,  
Kanyakumari District,  
Kanyakumari.
- 3.The Regional Transport Officer,  
Pattasalianvilai,  
Nagercoil.



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W.P.(MD).No.18388 of 2023

**S.SRIMATHY, J.**

Nsr

W.P.(MD).No.18388 of 2023

28.07.2023