



W.P.(MD).No.20392 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.20392 of 2023
and
W.M.P.(MD).No.16836 of 2020**

Ravindhra

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District.

3.The Regional Transport Officer,
Pattasalianvilai,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, restraining the first and third respondents from interfere with the transportation of lorries loaded with granite blocks from the petitioner's granite quarry namely Om Muruga granites, Ponmani A Village, Thiruvattar Taluk, Kanyakumari District based on the order passed by the Transport Commissioner, Chepauk, Chennai in Proc No. 24528/HA2/2023 dated 20.07.2023 by considering the petitioner's representation dated 04.08.2023.



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W.P.(MD).No.20392 of 2023

For Petitioner : Mr.P.T.Ramesh Raja

For R-1 and R-3 : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by,
Mr.A.K.Manikkam,
Special Government Pleader.

For R-2 : Mr.K.Sanjai Gandhi,
Government Advocate,
(Criminal Side).

ORDER

This Writ Petition is filed for Mandamus, restraining the first and third respondents from interfering with the transportation of lorries loaded with granite blocks from the petitioner's granite quarry based on the order dated 20.07.2023 and by considering the petitioner's representation dated 04.08.2023.

2. The petitioner, who is running a granite quarry in his own land, was aggrieved by the order dated 20.07.2023 on two grounds. The said 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 is not aggrieved by the prescription of weight. However, the petitioner is aggrieved by the restriction of 10 wheels of heavy loaded vehicle.



W.P.(MD).No.20392 of 2023

3. According to the petitioner he is owning 12 wheels, 14 wheels and 16 wheels lorries which are used in transportation of goods. If the respondents restrict the number of wheels in the vehicle, the petitioner would be forced to purchase new vehicles, which is not viable.

4. The Learned Additional Government Pleader on instructions submitted that the order of the Transport Commissioner is internal communication and such internal communication cannot be challenged. However, the petitioner submitted that the restrictions was considered based on the association of lorry owners' 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 order dated 20.07.2023 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.20392 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.

22.08.2023

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

To

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Regional Transport Officer,
Pattasalianvilai,
Nagercoil,
Kanyakumari District.



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W.P.(MD).No.20392 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.20392 of 2023

22.08.2023