



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.19146 of 2018
and
W.M.P.(MD) No.16998 of 2018

Syed Abubuckar Badhusa Levvai

... Petitioner

vs.

- 1.The District Collector
Ramanathapuram District
Ramanathapuram
- 2.The Assistant Director
Department of Mines and Minerals
First Floor, District Treasury
Collectorate Complex
Ramanathapuram
- 3.The Revenue Divisional Officer
Ramanathapuram
- 4.The Tahsildar
Taluk Office
Keelakarai
Ramanathapuram District
- 5.The Inspector of Police
Erwadi Dhargha Police Station
Ramanathapuram District
- 6.Veerapandi
- 7.P.S.A.Amjath Hussain Levvai

8.Abul Hassan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 5 herein to take appropriate action against the respondents 6 to 8 from illegally quarrying the sand from the lands to the extent of 22 acres 93 cents in Karaikulam Village, Ramanathapuram District bearing S.No.368 in which the petitioner is owning and also in pursuance of his representation dated 03.07.2018 and 12.07.2018.

For Petitioner : Mr.V.Sitharanjandas

For Respondents : Mr.S.Angappan



O R D E R

According to the petitioner, he is owner of the land to an extent of 44/144th share, out of the total extent of 22 Acres 93 Cents, comprised in Survey No.368 of Erwadi Village, Keelakarai Taluk, Ramanathapuram District, as per the Civil Court decree dated 06.07.2012, made in O.S.No.44 of 2005, on the file of the learned Additional District Judge, Ramanathapuram. According to the petitioner, the sixth respondent, at the instance of the respondents 7 and 8, is illegally quarrying the land, which is under his lawful occupation.

2. According to the petitioner, the respondents 7 and 8 have been unsuccessful in the civil proceedings and despite that they were behind the sixth respondent, who is illegally quarrying the land, which according to the petitioner, belongs to him. Therefore, the petitioner has given representations, dated 03.07.2018 and 12.07.2018, to the respondents 1 to 5 to take action against the sixth respondent and since no action was forthcoming, the petitioner is before this Court.

3. From the materials and the pleadings available on record, it appears that there is a land dispute between the petitioner and the private respondents and the adjudication of writ petition would involve settlement of factual disputes as between the parties as to what extent of land the rival parties would claim ownership in respect of each individual's holdings and the title to the same. Such a dispute cannot be resolved in the writ jurisdiction. Already, it appears that there is a civil case pending in appeal and in any event, it is open to the petitioner to sort out his grievances, as projected in this writ petition, before the appropriate Civil Court and certainly it is not open to the petitioner to approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. Hence, this Court is of the considered view that the writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-RTI)

// True Copy //

Sub Assistant Registrar (CS-III)

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Assistant Director,
Department of Mines and Minerals,
First Floor, District Treasury,
Collectorate Complex,
Ramanathapuram.

3.The Revenue Divisional Officer,
Ramanathapuram.

4.The Tahsildar,
Taluk Office,
Keelakarai,
Ramanathapuram District.

5.The Inspector of Police,
Erwadi Dhargha Police Station,
Ramanathapuram District.

+1cc to Mr.V.SITHARANJANDAS, Advocate, SR.No. 82067

+1cc to M/s.Special Government Pleader, SR.No.82511

W.P. (MD) No.19146 of 2018
and

W.M.P. (MD) No.16998 of 2018
04.09.2018

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KK/SV/SAR-3/01.10.2018/3P-8C