



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20891 of 2018
and
W.M.P.(MD) No.18670 of 2018

C.Glori Joy

... Petitioner

vs.

1. The District Collector
Nagarcoil, Kanyakumari District

2. The Assistant Director
Department of Geology and Mines
Nagarcoil, Kanyakumari District

3. Anitha Rajabhai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in 655/pumasu/2014 dated 13.05.2017 and quash the same as illegal.

For Petitioner : Mr.J.Jeyakumaran

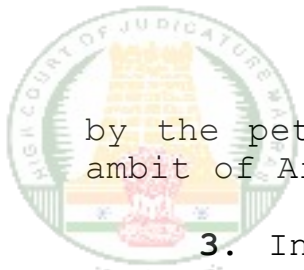
For Respondents: Mr.A.Muthu Karuppan

Additional Government Pleader for R1 & R2

O R D E R

The case of the petitioner is that the third respondent has obtained quarry licence from the second respondent by including her land. Therefore, the petitioner is before this Court seeking to quash the proceedings of the first respondent, dated 13.05.2017, granting licence to the third respondent for quarry operation.

2. From the materials and the pleadings as disclosed, it appears that the issue raised in this writ petition involves adjudication of the factual dispute as to the extent of the land occupied by the third respondent or the extent of the land owned



by the petitioner. Such a dispute cannot be brought within the ambit of Article 226 of the Constitution of India.

3. In case the petitioner is having any grievance regarding occupation of her land by the third respondent and grant of quarry licence to the third respondent by including her land, it is always open to the petitioner to approach the competent Civil Court and establish her right as against the third respondent. It is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court for the dispute of this nature. Hence, this Court is of the 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-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The District Collector,
Nagercoil, Kanyakumari District.
2. The Assistant Director,
Department of Geology and Mines,
Nagercoil, Kanyakumari District.

+ 1 CC TO Mr.J.JEYAKUMARAN, ADVOCATE IN SR No. 89485
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89138

KRK

TE/RP/SAR-4 : 29/10/2018 : 2P/5C

W.P.(MD) No.20891 of 2018 and
W.M.P.(MD) No.18670 of 2018
05.10.2018