



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20957 of 2018

and

W.M.P. (MD) Nos.18734, 18735 & 18736 of 2018

Ayyanan

... Petitioner

vs.

- 1.The District Collector
Madurai District, Madurai-20
- 2.The Assistant Director (Mines)
Geology and Mines Department
Collectorate Campus, Madurai-20
- 3.The Tahsildar
Melur Taluk
Madurai District
- 4.Narayanan
- 5.P.Jeinullabudeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order granting licence issued by the 1st Respondent in his proceedings Na.Ka.No.213/2017-Minerals dated 22.03.2018 infavour of the 5th Respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the Respondents No.1 to 3 to drop all quarrying activities in the land comprised in Survey Nos.154/1, 154/2 of Keeranur Village, Melur Taluk, Madurai District.

For Petitioner : Mr.R.Aravindan

For Respondents: Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R1 to R3

O R D E R

The grievance of the petitioner is regarding grant of quarry licence in favour of the fifth respondent vide proceedings, dated 22.03.2018, by the first respondent. According to the petitioner, he is having tenancy right and therefore, grant of quarry licence in favour of the fifth respondent in respect of the subject land



is impermissible. In case the order of the first respondent is implemented, the petitioner would lose his valuable rights to cultivate the land under his occupation. However, from the pleadings and the materials as disclosed, this Court is unable to see on what basis such a tenancy right is being claimed by the petitioner, except stating that the certificate issued by the Village Administrative Officer concerned would establish the fact that the petitioner is cultivating the subject land. However, no other worthwhile documents have been produced in support of the claim of the petitioner that he has got tenancy right in respect of the subject land. In the absence of any worthwhile documents in support of his claim, it is not open to the petitioner to challenge the quarry licence granted in favour of the fifth respondent by the first respondent. In case the petitioner wants to establish his claim as against the fifth respondent, it is always open to him to approach the competent Civil Court and seek appropriate remedy. Needless to mention that this kind of dispute is purely civil in nature and the same cannot be adjudicated by this Court, which is exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

2. For the above said reasons, this Court is of the view that the writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The District Collector, Madurai District, Madurai-20.
2. The Assistant Director (Mines), Geology and Mines Department, Collectorate Campus, Madurai-20.
3. The Tahsildar, Melur Taluk, Madurai District.

+ 1 CC TO MR.R.ARAVINDAN, ADVOCATE IN SR NO.89071
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.89137

KRK

BU/RSK/SAR-2 :23.10.2018 : 2P/6C

W.P. (MD) No.20957 of 2018
and

W.M.P. (MD) Nos.18734, 18735 & 18736
of 2018
05.10.2018