
(2011) 05 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3405 of 2011

Surendra Marble	Vs	APPELLANT
Union of India (UOI) and Others		RESPONDENT

Date of Decision : 19-05-2011

Acts Referred:

Citation : (2011) 05 RAJ CK 0056

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Judgement

Dinesh Maheshwari, J.—By way of this writ petition, the Petitioner seeks to submit that the Respondents Nos. 8,9 & 10 are carrying on the mining operations in such an illegal manner that they are proceeding beyond the areas granted to them, are intruding the railway track and further, are causing loss to the Petitioner in respect of the goods and material lying in its plot. The surveyor's report, said to have been drawn pursuant to the survey carried out from 13.04.1999 to 15.04.1999 (Annexure-10) has been referred and it is submitted that as per the said report, the mining areas Nos. 42-E, 42-F and 42-G belonging to the private Respondents are being operated in the manner and fashion that they are intruding the railway boundary.

2. The submissions as sought to be made in this writ petition would essentially involve such questions on facts that cannot be adjudicated and determined in the writ jurisdiction, particularly the questions as to what is the extent and location of the areas granted to the Respondents, as to what is extent of operations being carried out by them, and as to how and to what extent the operations have caused or are likely to cause injury and inconvenience to the Petitioner? These questions of fact shall have to be determined for the purpose of considering the grievance as sought to be suggested by the Petitioner; and being intricate questions of fact, cannot be determined in the writ jurisdiction. The Petitioner is, of course, free to take recourse to the appropriate remedies in accordance with law but the present matter is not considered fit to be adjudicated in the writ

jurisdiction.

3. Accordingly and with the observations aforesaid, exercise of writ jurisdiction in this matter is declined and the writ petition stands rejected.

4. However, it is made clear that this Court has not made any observation on the merits of the case.