



W.P.No.32065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09 .11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32065 of 2023

P.Jayakumar

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Tiruppur.
2. The Tasildar,
Taluk Office,
Udumalpet.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Elayamuthur Pirivu,
Udumalpet.
4. The Revenue Inspector,
Revenue Office,
Udumalpet.
5. The Assistant Engineer,
WRD Irrigation Section,
Dhali, Udumalpet Taluk,
Tiruppur District 642 112.



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6. The Assistant Executive Engineer,
WRD, Thirumurthy Dam Sub Division,
Udumalpet Taluk,
Tiruppur 642 112.

7. The Executive Engineer,
WRD Thirumurthi Dam Division,
Sardar Road,
Udumalpet,
Tiruppur 642 126.

8. Shanmuga Vadivu

9. U.B.Eleni

10. Sundar

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to rectify the erroneous entry in revenue records with respect to S.No.6 in Vadabhuthinatham Village, Tiruppur District and consequently direct the respondents 5 to 7 to prosecute the respondents 8 to 10 for damaging the water channel in S.No.6 in Vadabhuthinatham Village, Tiruppur District.

For Petitioner : Mr.J.Prithivi

For R1 to R7 : Mr.P.Gurunathan
Additional Government Pleader



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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents 1 to 4 to rectify the erroneous entry in revenue records with respect to Survey.Number.6 in Vadabhuthinatham Village, Tiruppur District and consequently direct the respondents 5 to 7 to prosecute the respondents 8 to 10 for damaging the water channel in S.No.6 in Vadabhuthinatham Village, Tiruppur District.

2. It is the contention of the learned counsel for the petitioner that the respondents 8 & 9 are taking advantage of the errors committed by the respondents 2 to 4 during UDR scheme wherein S.No.6 is wrongly stated as “road” instead of “channel”, they are attempting to alter the channel into pathway. As per the field inspection conducted by the 4th and 5th respondents, it was concluded that S.N.6 is a channel. As per UDR Register, it has been wrongly entered that Survey Number.6 is a road. Hence, the petitioner seeking direction to the official respondents to rectify the wrong entry in the revenue records. Hence the writ petition.



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3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

4. Whether the abovesaid survey number is a channel or pathway, whether the private respondents are attempting to alter the channel into pathway are all the question of facts and the same cannot be decided in a writ petition. It has to be proved before the Civil Court by letting oral and documentary evidence.

5. Under the above circumstances, the Writ Petition is not maintainable. Hence, the Writ Petition is dismissed. No costs. However, the petitioner is at liberty to work out his remedy in the manner known to law.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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