



WEB COPY

W.P.No.17983 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17983 of 2021

J.Myvanna Kumar

... Petitioner

Vs.

1. The District Collector,
District Collector's Office,
Thirupathur, Thirupathur District.

2. The District Revenue Officer,
Thirupathur, Thirupathur District.

3. The Commissioner,
Jolarpettai Municipality Grade III,
Jolarpettai, Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 12.07.2021 made by the petitioner and take steps for flow of water from Kudiyanakuppam Lake situated at S.No.325 to Mangammal Lake without any obstruction and thereby enable the petitioner to carryon their agricultural operations in their land in S.No.335/1, Kudiyanakuppam Village.



WEB COPY

W.P.No.17983 of 2



For Petitioner : Mr.B.Ravi

For R1 & R2 : Mr.S.J.Mohamed Sathik,
Government Advocate

For R3 : Mr.P.Srinivas

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to consider the representation dated 12.07.2021 made by the petitioner and take steps for flow of water from Kudiyanakuppam Lake situated at S.No.325 to Mangammal Lake without any obstruction and thereby enable the petitioner to carry on their agricultural operations in their land in S.No.335/1, Kudiyanakuppam Village.

2. The learned counsel for the petitioner, Mr.B.Ravi would submit that the petitioner is a resident of Kudiyanakuppam Village, Thirupathur District. He is the owner of the agricultural land to an extent of 1.87.5Ares in S.No.335/1, Kudiyanakuppam Village. The grievances of the writ petitioner is that the respondents have obstructed the free flow of water to the agricultural lands belonged to the petitioner from Kudiyanakuppam Lake, situated in S.No.325. Since the flow of water from the lake is obstructed, the petitioner made a complaint to ensure the free flow of water from the lake to



his agricultural lands for irrigation purposes.

3. The 3rd respondent / Commissioner has filed a counter affidavit stating that the petitioner has suppressed certain crucial facts. As per the topography of the area, the land of the petitioner is upstream of Mangammal Kuttai and the water from the areas upstreamed to the lands of the petitioner due to natural radiant and gets accumulated in the Mangammal Kuttai. After the said Kuttai is filled, water will flow through the surplus channel to the adjoining Ganapathy Kuttai and so on.

4. The petitioner is the owner of the lands in S.No.335/1 etc., which is on the west of the above Kuttai. The petitioner also claiming to be the owner of the Kuttai. Such claim is illegal and barred under Section 14-A of the Estates Abolition Act. No patta can be issued in regard to water bodies such as Kullam, Kuttai etc., Water bodies will vest only with the State. Therefore, the claim of the petitioner is illegal. Water bodies in Municipal areas vest with the Municipality as per Section 135 of the Tamil Nadu District Municipalities Act.

5. The lands in S.No.63/3 belongs to the respondent. The municipal



office has been constructed in the said land in the year 2016 and opened in the year 2019. After the said construction works, the nearby Mangammal Kuttai was deepened and the same was beautified and improved by constructing concrete walls surrounding the same under the Swasam Scheme. While opening the Kuttai, a removed stilt was deposited on the other side of the Kuttai due to the old way that was used by the adjacent property owners on the south was closed and the banks of the Kuttai were used by the said owners to reach their lands. There are few establishments making Agarbathi, Milk Chilling plants and about 30 houses within the municipal limits and the same leads to the Ammaiyappan Nagar Panchayat.

6. Several facts as narrated in the counter would reveal that the grievances of the writ petitioner cannot be adjudicated in a writ proceedings. Disputes facts are to be adjudicated in the manner known to law. More so, the direction, as such sought for cannot be granted without adjudicating disputed issued between the parties. If at all any grievance exist, the petitioner is at liberty to approach the competent forum. However, a direction to dispose of the representation would do no service to the cause of justice.



WEB COPY

W.P.No.17983 of 2



7. Thus, the Writ Petition stands dismissed. No costs.

06.02.2024

skr

Index : Yes

Speaking order

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W.P.No.17983 of 2

S.M.SUBRAMANIAM, J.

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