



WP No.32574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.32574 of 2022

and

WMP No.31973 of 2022

Thirumalaisamy

: Petitioner

versus

- 1.The District Collector,
Tiruppur District
- 2.The District Revenue Officer,
Tiruppur District
- 3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District
- 4.The Tahsildar,
Udumalpet Taluk,
Tiruppur District
- 5.The Assistant Director
Department of Survey & Land Records,
Collectorate, Tiruppur District
- 6.The Executive Engineer,
Public Works Department,
Water Resources Organisation,



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Thirumurthy Hills Division

7.The Assistant Executive Engineer,
Public Works Department,
Water Resources Organisation,
Thirumurthy Hills Division

8.R.Vengidusamy

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent dated 22.10.2022 in Pa.Mu.13371/2022/J1, quash the same and consequently direct the 2nd respondent to modify the UDR Measurement of the width of the odai in S.F.No.878, Dhali Village, Tiruppur District, as 54.2 metres as per the old revenue sketch/blue print by deleting the wrong entry of the measurement as 12 metres and consequently restore the entire stretch of the said Odai and its sub streams to its original width as per the old revenue sketch by following the due process of law.

For Petitioner : Mr.T.Gowthaman,
Senior Advocate
for Mr.B.Pachaiyappan

For Respondents 1 to 7 : Mr.A.Edwin Prabhakar,
State Government Pleader

For Respondent No.8 : Mr.N.Umapathi
ORDER

(Order of the Court was made by the Hon'ble Chief Justice)



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Petitioner is impugning an order dated 22.10.2022 passed by the District Revenue Officer, Tiruppur District, rejecting petitioner's application to change the width of S.No.878/B Stream, Thali Village, Udumalaipettai Taluk, from 12 metres to 54.2 metres.

2. The basis for rejecting the application is that petitioner has not filed any document to show that the width of the Mathala Stream in S.No.878/B is 54.2 metres.

3. Strangely, in the impugned order itself, respondent No.2 has referred to and reproduced two reports: one by Executive Engineer of Water Resources Department, Thirumoorthi Division, Udumalaipettai and another by Assistant Director, Land Survey and Records Department, Tiruppur District, which state that there are possibilities that the flood water would flow to the width of 52 metres. Respondent No.2 has also referred to and reproduced a report from Assistant Engineer, Water Resources Department and Dam, Basin Division, Thirumoorthy Nagar, where it is stated that as per old 'A' Register, the total extent of S.No.878/B, which is a stream, is Punja acre 10.20 and as per the present



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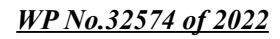
Updating Data Registry Scheme, the total extent of S.No.878/B stream is Punja Acre 10.20.

4. Respondent No.2 states that no document has been submitted to show that the stream was formed to the width of 54.2 metres and therefore, the application came to be rejected.

5. Respondent No.2 has not analysed why first and second report referred to earlier in this order cannot be accepted to conclude that the flood water would flow to the width of 52 metres. Moreover, the report of the Assistant Engineer, Water Resources Department and Dam, Basin Division, Thirumoorthy Nagar, learned counsel for petitioner states, that was never made available to petitioner to deal with or dispute.

6. In the circumstances, without going into the merits of the matter, we hereby quash and set aside the impugned order dated 22.10.2022 and remand the matter for *de novo* consideration.

7. Copy of all the three reports referred to in the impugned order shall be made available to petitioner and respondent No.8, within one week



8. Petition stands disposed of. There will be no order as to costs.

(K.R.SHRIRAM, CJ.)

04.10.2024

To

2.The District Revenue Officer,
Tiruppur District



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4.The Tahsildar,
Udumalpet Taluk,
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Public Works Department,
Water Resources Organisation,
Thirumurthy Hills Division

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THE HON'BLE CHIEF JUSTICE
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