



W.P.No.33097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.33097 of 2024

U.B.Eleni

... Petitioner

Vs.

- 1.The Principal Secretary/
Director and Commissioner of Survey and Settlement Department
PWD Estate
Chepauk Triplicane
Chennai 600 005.
- 2.Engineer – in-Chief
Water Resources Department – PWD
Chepauk
Chennai 600 005.
- 3.The Collector
Tiruppur District.
- 4.The Assistant Director and
Personal Assistant to District Collector
Land Survey Records Department
Tiruppur.



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5.Tahsildhar
Udumalpet-
Tiruppur District 642 126.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct inspection in Ottukulam Pond sluice No.3, Vadbhuthinatham Village, Udumalpet, Tiruppur District and confirm the authenticity and veracity of the statement made in the certificate issued by the Assistant Engineer, Water Resources Department, Dhali Vaikkal Division, Udumalpet, Tiruppur District under ref.கடித எண்.கோ.2/உ.பொ/தளி/2022 நாள்.04.09.2022 that the water released from Ottukulam pond sluice No.3 outlet is initially commencing from survey No.6 and thereafter bifurcating and passing through in to survey No.26 and 68 Vadbhuthinatham Village, Udumalpet, Tiruppur District.

For Petitioner : Mr.P.Krishnamurthy

For Respondents : Ms.M.Jeyanthi for R1 to R4
Additional Government Pleader

For Respondent : Mr.S.Balamurugan for R5
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents to conduct field inspection of the S.Nos.6, 26 & 68 at Vadbhuthinatham Village, Udumalpet, Tiruppur District and confirm the veracity and authenticity of



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certificate issued by the Assistant Engineer, Water Resource Department,
Dhali Vaikkal Division, Udumalpet, Tiruppur District.

2. It is the case of the petitioner that he is owning agricultural lands in the above mentioned survey numbers and he has been cultivating the same. The Assistant Engineer in his certificate declared that S.F.No.6 is the primary source of water for irrigation in S.Nos.26 & 68. Disputing the same, the petitioner submitted a representation on 29.07.2024 before the respondent requesting them to conduct field inspection and find out the correctness of the declaration made in the certificate. The fourth respondent forwarded the representation of the petitioner to the fifth respondent and requested him to take further action on the representation and till date the fifth respondent has not conducted field inspection. Therefore, the petitioner has come before this Court.

3. Ms.M.Jeyanthi, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mr.S.Balamurugan, learned Government Advocate takes notice for the fifth respondent.



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4. In view of the dispute raised by the petitioner with regard to the correctness of the certificate issued by the Assistant Engineer, Water Resource Department, the fourth respondent is directed to conduct field inspection through his subordinate officials and dispose of the representation submitted by the petitioner dated 29.07.2024 within a period of 12 weeks from the date of receipt of copy of this order, after issuing notice to the petitioner and all other interested parties.

5. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

dna



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