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WP No. 33515 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 33515 of 2025

1. P.Udhayakumar

Petitioner(s)

Vs

1. The Chief Engineer

Agricultural Engineering Department, No.487,
Anna Salai, Nandanam Chennai- 600 035.

2.The Executive Engineer (A.E)

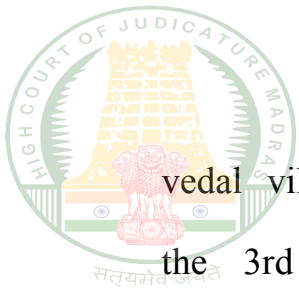
Agricultural Engineering Department,
Nandanam Chennai- 600 035.

3.The Assistant Executive Engineer (AE)

Agricultural Engineering Extent Center,
Panjupettai, Pin Code 631 501.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the 3rd respondent to cancel the award of subsidy to erect a farm fish pond in the petitioners joint Ownership land comprised in S.No.45/2I, measuring 63 cents bearing patta No.185 at



vedal village, Kancheepuram Taluk, Kancheepuram district and further direct the 3rd respondent to take criminal action as against the applicant who submitted the fabricated No Objection Certificate with the forged signature of the petitioner to avail such subsidy of farm fish pond, by considering the representation of the petitioner dated 27.01.2025.

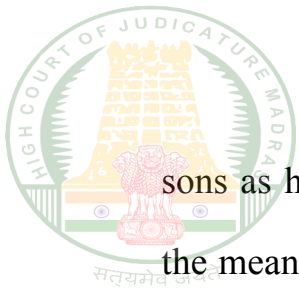
For Petitioner(s): Mr. D.Thanigaivasan

For Respondent(s): Mrs. S. Anitha, Spl.G.P

ORDER

This petition has been filed seeking a direction to the 3rd respondent to cancel the award of subsidy to erect a farm fish pond in the petitioners joint Ownership land comprised in S.No.45/2I, measuring 63 cents bearing patta No.185 at vedal village, Kancheepuram Taluk, Kancheepuram district and further direct the 3rd respondent to take criminal action as against the applicant who submitted the fabricated No Objection Certificate with the forged signature of the petitioner to avail such subsidy of farm fish pond, by considering the representation of the petitioner dated 27.01.2025.

2. It is the case of the petitioner that the petitioner's grandfather is the sole and original owner of the property in S.No.45/21 measuring to an extent of 63 cents, bearing patta No.185 situated at Vedal Village, Kancheepuram Taluk and District. Over the said property, the petitioner's father had inherited 1/5th share. On 21.04.2012, the petitioner's father also died leaving behind his wife and two



sons as his legal heirs to inherit his specific 1/5th share in the said property. In the meanwhile, the petitioner's aunt Kananga had obtained subsidy amount to a tune of Rs.1,00,000/- from the 3rd respondent as signed by the petitioner and his mother and brother and such signatures are fake one. The same were came to the petitioner's knowledge only on the RTI reply of the 3rd respondent. Hence, the petitioner had submitted his complaint dated 27.01.2025 to the third respondent and copy of the same was forwarded to the first respondent to take action as against the person who forged such NOC. The petitioner had received a letter dated 07.02.2025 from the first respondent that was forwarded letter which addressed to the second respondent. There was no action on the part of the respondents, hence, the petitioner made another representation dated 27.01.2025 and 12.04.2025 and the same were no response. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioners representations and pass appropriate orders on the same within the stipulated time as fixed by this Court.

4. The learned Special Advocate General appearing for the respondents submitted that the claim made by the petitioner with regard to the 1/5th share of the property, has to be decided only before the competent civil Court and not before this Court under Article 226 of Constitution of India. Hence, this Court



may dismiss the writ petition.

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5. Heard the learned counsel for the petitioner as well as the learned Special Advocate General appearing for the respondents and perused the materials available on record.

6. This Court perused the entire records. On perusal of the same, it is seen that the petitioner made a representation to the respondents to cancel the award of subsidy to erect a farm fish pond in the petitioners joint Ownership land comprised in S.No.45/2I, measuring 63 cents bearing patta No.185 at vedal village, Kancheepuram Taluk, Kancheepuram District and further direct the 3rd respondent to take criminal action as against the applicant who submitted the fabricated No Objection Certificate with the forged signature of the petitioner to avail such subsidy of farm fish pond. However, the respondents are not competent person to decide the issue with regard to the petitioner's share and with regard to the forged signature of the petitioner's aunt. It is made clear that the claim made by the petitioner is disputed question of facts, which cannot be decided by this Court as well as the respondents herein and the same has to be decided only by the competent civil forum. When the matter is taken up for hearing, the learned counsel has also seeks liberty to approach the competent civil Court in respect of the subject matter.



7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without rendering any opinion on the merits of the case, permits the petitioner to approach the competent Civil Court with regard to the subject matter.

8. In view of the above, the writ petition is dismissed. No costs.

04-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Anna Salai, Nandanam Chennai- 600 035.

2. The Executive Engineer (A.E)

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