



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.NO.35077 OF 2005

AND

WMP.NO.38027 OF 2005

G.Rathinam

... Petitioner

Vs

1. The Secretary to Government,
Public Works Department,
Secretariat, Chennai-9.
2. The District Collector,
Vellore District, Vellore.
3. The Executive Engineer,
Public Works Department,
Andiappanur Odai Reservoir Scheme,
Thirupathur, Vellore District.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings made in Letter No.105M/Va.P./E.Va.Aa-2/Ko.Vazhakku/2005 dated 21.7.2005 on the file of the 3rd respondent quash the same and direct the respondents to make a compensation of Rs.20 lakhs for the damages caused in the lands of the petitioner situated in S.No.244, 245, 246, 876/3, 878/3 and 878/4 in Andiappanur Village, Vellore District.

For Petitioner	:	Mr.S.Doraisamy
For Respondents	:	Mr.Yogesh Kannadasan, Spl. GP.

ORDER

This writ petition is filed seeking direction to quash the proceedings made in Letter No.105M/Va.P./E.Va.Aa-2/Ko.Vazhakku/2005 dated 21.7.2005 on the file of the 3rd respondent and direct the respondents to make a compensation of Rs.20 lakhs for the damages caused in the lands of the



petitioner situated in S.No.244, 245, 246, 876/3, 878/3 and 878/4 in Andiyappanur Village, Vellore District.

2. The case of the petitioner is that he is the owner of the agricultural land in S.No.244, 245, 246, 876/3, 878/3 and 878/4 in Andiyappanur Village, Vellore District. The afore said lands are situated 10 meters away from the place where a dam is being constructed by the respondents through the contractors. The above said dam is being constructed across the pampa river. For the construction of the dam the land situated nearby the proposed dam including the petitioners land were acquired under the Land Acquisition Act during the year 2000. Aggrieved against the said acquisition proceedings, the petitioner filed a writ petition before this Court in W.P.Nos.9286 & 16632 of 2000 and in WMP.No.9286 of 2000 in WP.No.6216 of 2000 and this Court, vide order dated 23.07.2000, granted interim order and the same is still in force.

3. That being the situation, the petitioner made a representation on 16.06.2005 to the respondents requesting to take appropriate steps for the natural flow of river water in the said pampa river and also to remove the water stagnated and flooded in the petitioner's land. Further, the petitioner also made a representation to the second respondent on 17.06.2006 to compensate the loss caused to the petitioner due to the stagnation of water. The respondent rejected the claim made by the petitioner through his proceedings dated 21.07.2005. Challenging the same, the present writ petition has been filed before this Court seeking appropriate remedy.

4. Learned counsel for the petitioner submitted that without making any sufficient arrangements for the natural flow of water in the said river, the respondents had constructed a wall across the river which caused water stagnation in the petitioner's land, thereby, damaging the crops like paddy and other trees raised by the petitioner. Hence, the learned counsel prays to quash the proceedings of the third respondent and allow this petition.

5. Learned Additional Government Pleader appearing for the respondents submitted that even in the impugned order, the petitioner has been directed to approach the respondents to receive the compensation. However, without approaching the respondents, the petitioner has filed this petition claiming a huge amount without any basis, which is impermissible.

6. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents, and perused the materials available on record.



7. Even a bare perusal of the impugned order reveals that the respondents have clearly directed the petitioner to approach the concerned authority to collect the compensation amount. Such being the undisputed position, the hefty claim made by the petitioner cannot be acceded to. This Court directs the petitioner to make a fresh representation to the respondents along with the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents shall conduct enquiry and assess the damages and quantify the eligible compensation after giving opportunity of hearing to all the stakeholders and pass orders on merits and in accordance with law within a period of twelve weeks, thereafter. If the petitioner has any further grievance after the quantification aforesaid, it is open to the petitioner to seek appropriate remedy in accordance with law.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Secretary to Government,
Public Works Department,
Secretariat, Chennai-9.
2. The District Collector,
Vellore District, Vellore.
3. The Executive Engineer,
Public Works Department,
Andiappanur Odai Reservoir Scheme,
Thirupathur, Vellore District.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.19986
+1cc to the Special Government Pleader, S.R.No.19917

WP.No.35077 of 2005
and WMP.No.38027 of 2005

SKM(CO)
RLP(20/04/2022)