



W.P. No.2721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.2721 of 2023

and

W.M.P. No.2830 of 2023

G. Rathinam

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Secretariat,
Chennai – 600 009.

2. The Collector,
Tirupattur District,
Tirupattur.

3. The Executive Engineer,
Water Resource Department (PWD),
Upper Palar Basin Division,
Vellore District,
Vellore.

4. The Assistant Engineer,
Water Resource Department,
Tirupattur District.

5. The Assistant Director of Fisheries,
(Inland Fisheries),
No.16, 5th West Cross Street,
Katpadi, Gandhi Nagar,
Vellore.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the auction notice in Letter No.Ko.61/Vu.Po(Thi)/2023/dated 23.01.2023 on the file of the 4th respondent quash the same and direct the respondents 1 to 3 to pay the compensation and damages to the petitioner's land situated in S. Nos.878/3, 878/4, 876/3, 245, 246, 244/1A and 244/1B total to the extent of 9.5 acres of Aandiappanur Village.

For Petitioner	: Mr.S. Doraisamy
For Respondents	: Mrs.S. Anitha, Spl. Govt. Pleader

ORDER

This writ petition has been filed to call for the records relating to the auction notice in Letter No.Ko.61/Vu.Po(Thi)/2023/dated 23.01.2023 on the file of the 4th respondent and to quash the same as well as to direct the respondents 1 to 3 to pay compensation and damages for the petitioner's land situated in Survey Nos.878/3, 878/4, 876/3, 245, 246, 244/1A and 244/1B total to the extent of 9.5 acres at Aandiappanur Village.

2. The case of the petitioner is that the land in question was acquired by the respondents for the proposed construction of a dam. Initially, aggrieved over the said acquisition proceedings, he filed writ petitions before this Court and



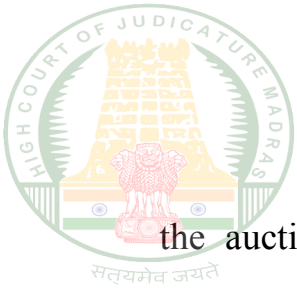
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according to the petitioner despite the directions issued therein, the respondents

commenced construction work on the subject land. It is the grievance of the petitioner that due to the said construction, waterlogging occurred, resulting in huge loss to him. Thereafter, he made a representation to the 2nd respondent seeking compensation for the said loss and subsequently, on 12.01.2023, he submitted another representation requesting that not to lease out the reservoir for fishing to any third parties.

3. Further, it is the case of the petitioner that the said water channel lies within his land and he alone is entitled to carry out agricultural or fishing activities therein. Such being the case, on 23.01.2023, the 4th respondent issued the impugned auction notice calling for a public auction of fishing rights in the Andiyappanur Dam, which according to the petitioner is illegal and unsustainable. Challenging the auction notice, this writ petition has been filed.

4. Learned counsel for the petitioner would submit that due to acquisition of the aforesaid land, the petitioner has suffered a huge loss, for which the respondents failed to compensate the petitioner. Further, he argued that the respondents have no authority to auction the fishing rights in respect of the said land, which belongs to the petitioner. On the aforesaid score, he seeks to quash



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the auction proceedings and for issuance of consequential direction to the respondents to pay due compensation.

5. Per contra, learned Special Government Pleader appearing for the respondents would submit that the issue of compensation is entirely different from the grant of fishing rights. Reiterating the counter affidavit, she submitted that the authorities have already taken steps to determine and pay compensation, but the petitioner refused to receive the amount fixed, insisting on higher compensation. She also submitted that if the petitioner is aggrieved by the said compensation, remedy available to him to approach the competent Civil Court. Moreover, without any valid proof, claiming damages is untenable and challenging the auction proceedings is unsustainable. In the light of the above, he prays for dismissal of this writ petition.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. Admittedly, the land in dispute originally belonged to the petitioner and construction activities were carried out by the respondents. From the aforesaid submissions, it is seen that pending fixation of compensation proceedings, the impugned auction notice was issued by the respondents. On the



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one hand, the petitioner seeks compensation for utilization of his land; on the other, he seeks to restrain the respondents from conducting the auction. Since the petitioner has not produced any supporting documents to substantiate his claim for damages, this Court finds that the matter involves disputed questions of fact, which cannot be adjudicated under Article 226 of the Constitution of India.

8. For the aforesaid reasons, this Court finds no merit in the prayer sought for. Accordingly, this writ petition stands dismissed. However, liberty is granted to the petitioner to claim compensation before the competent authority in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Secretariat,
Chennai – 600 009.



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M.DHANDAPANI, J.

vsi2

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Tirupattur District,
Tirupattur.

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