



WEB COPY



W.P. No.27389 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.27389 of 2023
and
W.M.P. No.26839 of 2023

R. Gopalakrishnan

... Petitioner

vs.

1.The District Collector,
Collectorate,
Tiruvarur.

2. Revenue Divisional Officer,
Office of the RDO,
Mannargudi.

3.The Tahsildar,
Taluk Office,
Mannargudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Na Ka No.2958/2020/Aa3 dated 8.12.2021 on the file of the 2nd respondent and to Quash the same and consequently direct the respondents to reconstitute the committee by including the petitioner and by giving equal representation to the other community persons and to pass such other or further orders as this Court may deem fit and proper and thus render justice.



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For Petitioner : Mr.K.M. Subrahmaniam.
For Respondents : Ms.S. Anitha,
Spl. Govt. Pleader,
for R1 to R3.

ORDER

This writ petition has been filed seeking to quash the proceedings of the 2nd respondent dated 08.12.2021 and for a consequential direction to reconstitute the committee for conducting public auction of fishing rights by including the petitioner and providing equal representation to other community members.

2. The case of the petitioner is that he is a resident of Nandimangudi Village and that his forefathers were in possession of patta lands along with a tank situated in S.No.303/1, which was traditionally used for irrigation and whose fishing rights were leased through public auction, with the proceeds utilised for performing poojas and festivals of Vinayagar and Ayyanar temples. He alleges that the auction conducted during the years 2020 and 2021 was not fair and transparent and that the revenue officials colluded with influential villagers. Pursuant to the directions issued by this Court in W.P. No.15073 of 2021, the 2nd respondent conducted an enquiry and passed the impugned order



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dated 08.12.2021, which according to the petitioner is biased and favours a particular group. Aggrieved by the said impugned order, this writ petition has been filed.

3. The learned counsel for the petitioner submitted that the tank in S.No.303/1 has traditionally been used for irrigation and for leasing fishing rights, which was earlier in possession of the petitioner's forefathers. He further submitted that the proceeds arrived from the above were utilised for Vinayagar and Ayyanar temple festivals, and that the impugned order dated 08.12.2021, wherein all five members belong to the same community, resulting in syndication. He also contended that despite earlier directions of this Court in W.P.No.15073 of 2021, the 2nd respondent acted in a biased manner. Without prejudice, learned counsel sought liberty for the petitioner to prefer an appeal before the District Revenue Officer and to agitate all issues in accordance with law.

4. Per contra, learned Special Government Pleader appearing for the respondents 1 to 3 submitted her arguments based on the counter affidavit that the tank in S.No.303/1 is situated in Government Poromboke land classified as "Nandhimangudi Natham" as per the re-settlement records of the year 1924. She further submitted that the petitioner has no title or exclusive right over the

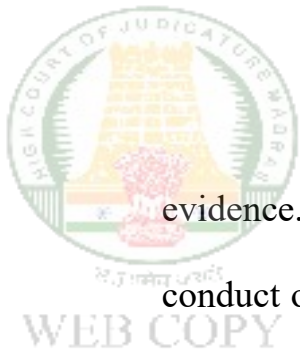


tank and therefore lacks locus standi to challenge the impugned proceedings.

She also submitted that pursuant to earlier directions of this Court, an enquiry was conducted by the respondents and that the impugned order was passed after affording an opportunity of hearing. She argued that since 2021, due to lack of water in the tank, no fishing auction has been conducted and thereby denied the allegations of favoritism and collusion.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

6. On a perusal of records, it reveals that the tank in question is situated in Government Poromboke land and that the fishing rights are to be regulated by the Government through public auction, with the proceeds being utilised for temple festivals. The core dispute raised by the petitioner relates to the nature and title of the land, namely, whether the tank is a private ancestral property as claimed by the petitioner or a Government Poromboke as claimed by the respondents. Such disputed questions of fact involving title and classification of land cannot be adjudicated in proceedings under Article 226 of the Constitution of India and can only be resolved by a competent civil court on the basis of



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evidence. Insofar as the grievance relating to constitution of the committee and conduct of auction is concerned, the petitioner has not established any statutory or legal right to insist upon inclusion in the committee. If the petitioner is aggrieved by the classification of the land or claims any proprietary or customary right over the tank, the appropriate remedy is to approach the competent civil Court.

7. In view of the above, this Court finds no infirmity in the impugned proceedings dated 08.12.2021 issued by the 2nd respondent and therefore, the same is not interfered by this Court.

8. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy before the competent civil court in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M.DHANDAPANI, J.

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To

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