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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

WA No. 2725 of 2022

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.

Appellant(s)

Vs

1. G.Rathinam
S/o Govindasamy, Andiappanur
Village and Post, Vaniyambadi Taluk,
Vellore District, Now at Tirupathur
Taluk, Tirupathur District 635 702.

Respondent(s)

PRAYER

To set aside the order dated 22.03.2022 made in WP.No. 35077 of 2005 and allow the above writ appeal.

For Appellant(s): Mr. S.Senthil Murugan,
Special Government Pleader

For Respondent(s): Mr.S.Doraiswamy



ORDER

(Order of the Court was made by S.M.Subramaniam J.)

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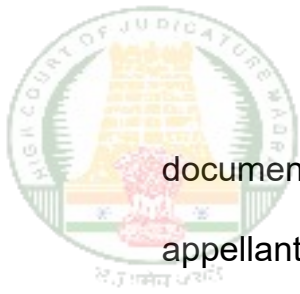
State preferred writ appeal challenging writ order dated 22.03.2022 in WP.No.35077 of 2005.

2. Land acquisition proceedings initiated to acquire vast extent of land for public purposes.

3. Learned Special Government Pleader would submit that Block Nos.1 to 5 and 8 were acquired and compensation due to land owners settled. In respect of Block No.7, acquisition proceedings remained incomplete and writ petitions filed by land owners are also pending before High Court. In view of interim order granted in writ petition, acquisition proceedings have not been concluded.

4. Block No.7, since not acquired, is with the possession of respondent/writ petitioner. He is cultivating the land. Due to flood, damages caused to the crops. A representation was submitted seeking damages from Government. Government, since not considered, writ petition came to be instituted.

5. Writ Court considered the issues and directed respondent/writ petitioner to make a fresh representation to appellants along with relevant



documents, and copy of writ order impugned, and on receipt of the same, appellants are directed to conduct an enquiry, assess the damages and quantify eligible compensation after giving opportunity of hearing to all stakeholders and pass orders in merits and in accordance with law within a period of 12 weeks.

6. This Court is of the considered view that right to claim compensation for damages is to be considered at the first instance. If any damage is caused to the standing crops on account of flooding, cyclone etc., normally Government announce schemes to compensate farmers. In such circumstances, eligible farmers are entitled to get compensation as per the quantification made by Government. Secondly, crops are normally insured and under insurance schemes also farmers affected can claim compensation. However, a writ claiming damages cannot be entertained, since it involves disputed question of facts. The damages, if any caused, cannot be assessed nor be quantified by Writ Court in exercise of the powers of judicial review under Article 226 of Constitution of India. If at all, respondent/writ petitioner is of the opinion that State is responsible for causing damages, respondent has to approach the competent civil Court for the purpose of establishing his right. Contrarily, Writ Court cannot entertain a writ petition for the purpose of assessing the damages or to quantify the compensation to be settled by State. The issue would fall beyond the realm of the judicial powers of review.



7. That being the factum, writ order directing appellants/State to consider the representation would do no service to the cause of justice, as it would only lead to further litigation. In the absence of any right established, no writ would be entertainable. In the present case, respondent has not established any right.

8. Thus, writ order impugned 22.03.2022 made in WP.No. 35077 of 2005 is set aside and the Writ Appeal is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
17-11-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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