

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.10001 to 10003 and 11939 to 11945 of 2018

and

WMP.Nos.11951 to 11956 of 2018 and

W.M.P.Nos.13921, 13923, 13925, 13927,  
13929, 13931 and 13933 of 2018

|                  |                                       |
|------------------|---------------------------------------|
| Velmurugan       | ...Petitioner in W.P.No.10001 of 2018 |
| C.Kanakaraj      | ...Petitioner in W.P.No.10002 of 2018 |
| K.Gogulakrishnan | ...Petitioner in W.P.No.10003 of 2018 |
| Manickam         | ...Petitioner in W.P.No.11939 of 2018 |
| Anbazhagi        | ...Petitioner in W.P.No.11940 of 2018 |
| A.Kuppakonar     | ...Petitioner in W.P.No.11941 of 2018 |
| Malar            | ...Petitioner in W.P.No.11942 of 2018 |
| S.Chinnukonar    | ...Petitioner in W.P.No.11943 of 2018 |
| Kulandaikonar    | ...Petitioner in W.P.No.11944 of 2018 |
| Chandra          | ...Petitioner in W.P.No.11945 of 2018 |

Vs.

1. The Arbitrator cum District Collector,  
Villupuram District, Villupuram.
2. The Competent Authority and  
Special District Revenue Officer (Land Acquisition),  
National Highways -68,  
Salem -4.
3. The Project Director,  
National Highways Authority of India,  
Narasothipatti, Salem.

...Respondents in All WPs

PRAYER in W.P.No.10001 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka.(Arbit)B2/14823/2013, dated 25.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioner's land situated in S.Nos.27/20B and 39/1A to the extent of 416 Sq.mts. at

Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka.(Arbit)B2/14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.10002 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in here proceedings Na.ka.(Arbit) B2/14826/2013, dated 24.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in s.Nos. 27/4D2 and 27/8B to the extent of 362 sq meters at Valavantham Kuppam Village, Thimmalai Post, Kallakurichi Taluk Villupuram District by taking note of the order passed by the 1st respondent in Na.ka. (Arbit) B2/14809/2013 etc dated 17.06.2016 and disburse the same to the petitioner by applying under the provisions of U/s.26 and 30 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.10003 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in here proceedings Na.ka.(Arbit) B2/14806/2013, dated 05.08.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in s.Nos. 40/12A and 40/13A to the extent of 506 sq meters at Valavantham Kuppam Village, Thimmalai Post, Kallakurichi Taluk Villupuram District by taking note of the order passed by the 1st respondent in Na.ka. (Arbit) B2/14809/2013 etc dated 17.06.2016 and disburse the same to the petitioner by applying under the provisions of U/s.26 and 30 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11939 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14798/2013, dated 24.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land

situated in S.Nos.5/3B1 and 5/3B1B to the extent of 166 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11940 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14794/2013, dated 23.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.Nos.40/7A. 40/8A/ 40/9A and 40/14A to the extent of 575 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11941 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14793/2013, dated 22.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.Nos.40/17A1 to the extent of 74 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/ 14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11942 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14801/2013, dated 24.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.Nos.40/17A to the extent of 400 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/ 14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11943 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to Call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14804/2013, dated 22.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.No.40/12A to the extent of 146 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/ 14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11944 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14844/2013, dated 22.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.No.35/6A to the extent of 741 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/ 14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

PRAYER in W.P.No.11945 of 2018:Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in her proceedings Na.Ka. (Arbit) B2/14838/2013, dated 24.07.2015 and quash the same and consequently directing the 1st respondent to fix the enhanced compensation for the petitioners land situated in S.No.35/1B1 to the extent of 311 Sq. Meters at Valavanthan Kuppam Village, Thimmalai Post, Kallakurichi Taluk, Villupuram District by taking note of the order passed by the 1st respondent in Na.Ka. (Arbit) B2/ 14809/2013 etc., dated 17.06.2016 and disburse the same to the petitioner by applying under the Provisions of U/s.26 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

For Petitioner : Mr.C.Prakasam  
(in all the petitions)

For Respondents : Mr.Akhil Akbar Ali, G.A., for RR1 & 2  
(in all the petitions)

Mrs.S.R.Sumathy, for R3  
(in W.P.Nos.10001 to 10003 of 2018)

Mr.Su.Srinivasan, for R3  
(in W.P.Nos.11939 to 11945 of 2018 )

COMMON ORDER

Heard the learned counsel for the petitioners, learned Government Advocate appearing for the respondents 1 & 2 and the learned Standing Counsel for the 3rd respondent and perused the materials available on record.

2. The case of the petitioners is that their lands in Valavanthan Kuppam Village in Thimmalai Post, Kallakurichi Taluk, were acquired by the respondents for widening NH-68, by invoking the National Highways Act.

3. The grievance of the petitioners is that the second respondent has awarded compensation at the rate of Rs.19/- per sq.mt., whereas in respect of the other neighbouring land owners covered under the same notification, higher compensation has been paid at the rate of Rs.322/- per sq.mt.

4. The learned counsel for the petitioners submitted that this Court in W.P.No.40163 of 2016 having found disparity in awarding compensation, set aside the award of the Arbitrator / first respondent and remitted the case to Arbitrator for fresh consideration. The learned counsel prayed for similar orders in these writ petitions also.

5. The learned counsel for the respondents submitted that during the award enquiry, despite providing ample opportunity, the petitioners failed to produce required materials, hence they are not entitled for enhanced compensation.

6. Taking note of the fact that this Court in similar facts set aside the award and remitted the case for fresh consideration, the orders impugned in these writ petitions are set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent shall issue fresh notice on the petitioners for enquiry within a period of four weeks from the date of receipt of a copy of this order and shall afford ample opportunity to the petitioners to produce all materials, which may include even the award of the first respondent as concerning adjacent lands, whereinafter, the first respondent is directed to dispose of the arbitral dispute raised by the petitioners within three months.

7. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

pvs

To

1. The Arbitrator cum District Collector,  
Villupuram District, Villupuram.
2. The Competent Authority and  
Special District Revenue Officer (Land Acquisition),  
National Highways -68,  
Salem -4.

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3. The Project Director,  
National Highways Authority of India,  
Narasothipatti, Salem.

+6cc to Mr.Su.Srinivasan, Advocate  
Sr.42509,42510,42511,42512,42513,42514

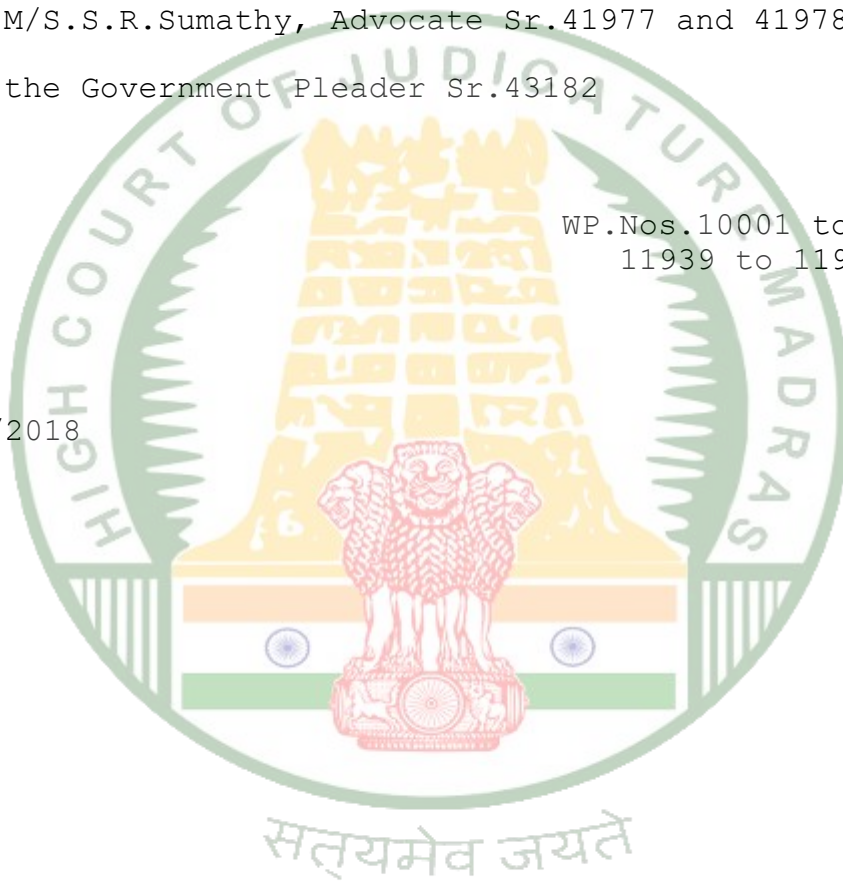
4cc to Mr.C.Prakasam, Advocate Sr.42072 and 42070

+2cc to M/S.S.R.Sumathy, Advocate Sr.41977 and 41978

+1cc to the Government Pleader Sr.43182

WP.Nos.10001 to 10003 and  
11939 to 11945 of 2018

ssv[co]  
srg 25/07/2018



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