



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.03.2021

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR
W.P. No. 7914 of 2021

M.Ragul

.. Petitioner

Vs

- 1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai - 600 009.
- 2.Project Director,
National Highway Authority of India,
No.1/54-28, Butt road,
' St. Thomas Mount,
Near Kathipa Junction,
Chennai - 16.
- 3.The District Collector,
District Collector Office,
Vellore District - 632 009.
- 4.The Special District Revenue Officer /
The Competent Authority,
Special District Revenue Officer Office,
Bangalore to Chennai highway,
(Tamilnadu Housing Board Office first floor),
Saththuvachery,
Vellore - 632 009.
- 5.The Special Tahsildar,
Special District Revenue Officer office,
Bangalore to Chennai highway,
(Tamilnadu housing board office first floor),
Saththuvachery,
Vellore - 632 009.
6. The District Collector,
Ranipet.

.. Respondents

(R6 is suo-motu impleaded vide order of this Court in
W.P.No.7914 of 2021 dated 26.03.2021)

Writ Petition filed under Article 226 of the Constitution
of India, praying to issue a Writ of Mandamus directing the
third respondent to consider the petitioner's representation
dated 11.03.2021 and to conduct enquiry and consequently



direct the third respondent to pay the petitioner appropriate and fair compensation.

For Petitioner : Mr. K.Gowthaman

For Respondents 1,3-6 : Mr. D.Raja
Additional Government Pleader

O R D E R

This writ petition is filed for issuing a writ of mandamus directing the third respondent to consider the representation of the petitioner dated 11.03.2021 and to conduct enquiry and consequently to direct the third respondent to pay the petitioner appropriate and fair compensation.

2. Learned counsel appearing for the second respondent submitted that the District Collector, Ranipet, is now the competent authority after bifurcation of Vellore District. Accordingly, the District Collector, Ranipet, is suo-motu impleaded as sixth respondent.

3. It is not in dispute that the petitioner's land was acquired under the National Highways Act. The grievance of the petitioner is that without following the provisions of statute, compensation is fixed by adopting a very low market value. Though the petitioner has repeatedly wanted the compensation to be fixed as per the guideline value, this Court is not inclined to accept the submission of the petitioner in view of the judgments of this Court and the Hon'ble Supreme Court reiterating the position that the guideline value cannot be the market value. It is also to be noted that in most of the cases, the guideline value will be lesser than the market value.

4. It is to be stated that the award indirectly challenged in the present writ petition is the award of Land Acquisition Officer. Aggrieved by the award of Land Acquisition Officer, the petitioner has also preferred a petition before the District Collector. The sixth respondent is now the competent authority to entertain the petition and is expected to act as an Arbitrator while determining just compensation for the lands acquired for the National Highways. The sixth respondent being a Statutory Authority, this Court cannot issue direction as to the manner in which the sixth respondent should exercise his power and pass orders. However, it is admitted that the Land Acquisition Officer, while exercising power under the National Highways Act, shall follow the procedure under Act 30 of 2013. Hence, this Court is inclined to dispose of this writ petition with the following directions:

"The District Collector, Ranipet District, the sixth respondent shall consider the sale exemplars pertaining to the



lands for the relevant period which are necessary to fix the market value as on the relevant date. The sixth respondent shall also make the copies of sale exemplars available to the petitioner so that the petitioner may be in a position to place evidence which are necessary to protect his interest in getting just compensation. The sixth respondent is directed to pass a speaking order in the sense that every land owner should be able to understand the basis on which the amount under each heading is arrived. The petitioner is also entitled to sufficient opportunity to present his case for getting just compensation. In such circumstances the sixth respondent is directed to consider the petition filed by the petitioner on 11.03.2021, on merits and pass final order by fixing just compensation after following the procedure and guidelines framed under Act 30 of 2013, in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order."

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bkn
To

- 1.The Principal Secretary to Government,
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5. The District Collector,
Ranipet.

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6. Project Director,
National Highway Authority of India,
No.1/54-28, Butt road,
St. Thomas Mount,
Near Kathipa Junction,
Chennai - 16.

+1cc to Mr.K.Gowthaman, Advocate SR.No. 19884

+1 cc to Government Pleader Sr.No. 20163

W.P. No. 7914 of 2021

KV(CO)
A.SK(06.08.2021)