



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 23689, 23693 and 23700 of 2021
and

W.M.P.Nos.24938, 24942 and 24950 of 2021

W.P.No.23689 of 2021:-

K.Suresh

W.P.No.23693 of 2021:-

K.Ramesh

W.P.No.23700 of 2021:-

K.Amaresan

...Petitioners

-Vs-

1. The Secretary to Government,
Ministry of Road Transport and Highways,
Government of India,
National Highways Authority of India,
G 5 and 6, Sector - 10, Dwarka,
New Delhi - 110 075.
 2. The District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri - 15.
 3. Competent Authority and
Special District Revenue Officer - Land Acquisition,
National Highways - 844,
(Hosur - Royakottai - Dharmapuri Section),
Dharmapuri.
 4. The Project Director (NH 844),
National Highways Authority of India,
PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.
- ...Respondents (In all W.Ps)



Common Prayer :- Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent authorities to dispose of the petitioners' references under Section 3G(5) of the National Highways Act, dated 20.07.2021, 04.08.2021, 14.09.2021, 03.08.2021, 04.10.2021, 18.07.2021 and 23.09.2021, by considering the petitioners' representations dated 08.10.2021 and pass appropriate orders in compliance of the statutory provisions Section 29 and Schedule I and II of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) within the time frame to be fixed by this Hon'ble Court.

In all W.Ps

For Petitioners: Mr.S.Thankasivan

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader.

For R4 : Mr.Su.Srinivasan

COMMON ORDER

These Writ Petitions have been filed for the issuance of Writ of Mandamus, directing the second respondent authorities to dispose of the petitioners' references under Section 3G(5) of the National Highways Act, dated 20.07.2021, 04.08.2021, 14.09.2021, 03.08.2021, 04.10.2021, 18.07.2021 and 23.09.2021, by considering the petitioners' representations, dated 08.10.2021 and pass appropriate orders in compliance of the statutory provisions Section 29 and Schedule I and II of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) within the time frame to be fixed by this Hon'ble Court.

2.Heard Mr.S.Thankasivan, learned counsel appearing for the petitioners, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Su.Srinivasan, learned counsel appearing for the fourth respondent.

3. The petitioner in W.P.No.23689 of 2021 owned the properties comprised in Survey No.222/2A, Survey No.222/5B, covered in Patta No.990, Survey No.222/7B, Survey No.222/8B, covered in Patta No.90 and Survey No.222/8A3, covered in Patta No.1971.The petitioner in W.P.No.23693 of 2021, owned properties comprised in Survey No.222/8A3, Survey No.222/7A2, covered in Patta No.1971 and Survey No.222/5, covered in Patta No.990. The petitioner in W.P.No.23700 of 2021, owned properties comprised



in Survey No.222/1B, Survey No.222/7A2, covered in Patta No.990, Survey No.222/2A, covered in Patta No.991, situated at Velagahalli Village, Palacode Taluk, Dharmapuri District.

4.While being so, the fourth respondent proposed to acquire the said lands for the purpose of laying National Highways 844 (Hosur - Royakottai - Dharmapuri Section). The objections were called for and the petitioners submitted their objections. However, after acquisition proceedings, the award has been passed.

5. Accordingly, the subject lands were classified as Dry Manaavari Lands Type II and Dry Well Irrigation Type II and calculated the land value of the petitioner in W.P.No.23689 of 2021, at 37.39 per sq.metres and 46.97 per sq.metres respectively and awarded only the total compensation of Rs.62,17,174/- (Rupees Sixty Two Lakhs Seventeen Thousand One Hundred and Seventy Four only), calculated the land value of the petitioner in W.P.No.23693 of 2021, at 37.39 per sq.metres and 46.96 per sq.metres respectively and awarded only the total compensation of Rs.41,81,761/- (Rupees Forty One Lakhs Eighty One Thousand Seven Hundred and Sixty One only) and calculated the land value of the petitioner in W.P.No.23700 of 2021, at 37.39 per sq.metres and 46.96 per sq.metres respectively and awarded only the compensation of Rs.30,45,977/- (Rupees Thirty Lakhs Forty Five Thousand Nine Hundred and Seventy Seven only) and Rs.16,50,560/- (Rupees Sixteen Lakhs Fifty Thousand Five Hundred and Sixty only) respectively.

6.However, the petitioners submitted representations seeking enhancement of compensation. According to the petitioners, in their acquired lands, there are houses, shares in well and lots of trees were situated and as such, the value of the houses, wells and trees were not properly assessed before passing the award. Now, the request for enhancement of compensation is pending with the second respondent.

7.The learned counsel for the petitioners would submit that the houses of the petitioners were not properly valued and they had taken into consideration only construction and awarded very meager compensation. Therefore, while requesting for enhancement is pending before the second respondent, the said houses has to be valued properly by the competent authority concerned and on the reports submitted by the valuer, so as the second respondent can pass order on the enhancement of compensation.

8.The learned counsel for the fourth respondent submitted that after passing the award, the petitioners were duly received the compensation and handed over the possession of the



properties along with the houses as early as on 08.07.2021.

9.However, suppressed the said fact and filed their present writ petitions to consider their representations dated 08.10.2021. Admittedly, the petitioners seeking for enhancement of compensation as contemplated under Section 3G(5) of the National Highways Act, 1956, is pending on the file of the second respondent.

10.The only grievance of the petitioners is that the houses were not properly valued and as such, the petitioners are entitled for enhancing compensation. Therefore, it is appropriate to direct the second respondent to engage a competent valuer to value the houses of the petitioner in W.P.No.23689 of 2021, the properties comprised in Survey No.222/2A, Survey No.222/5B covered in Patta No.990, Survey No.222/7B, Survey No.222/8B, covered in Patta No.90 and Survey No.222/8A3, covered in Patta No.1971, the house of the petitioner in W.P.No.23693 of 2021, properties comprised in Survey No.222/8A3, Survey No.222/7A2, covered in Patta No.1971 and Survey No.222/5, covered in Patta No.990 and the house of the petitioner in W.P.No.23700 of 2021, properties comprised in Survey No.222/1B, Survey No.222/7A2, covered in Patta No.990, Survey No.222/2A, covered in Patta No.991, situated at Velagahalli Village, Palacode Taluk, Dharmapuri District and after receipt of the valuation report from the competent valuer, pass orders on the enhancement of compensation proceedings.

11.It is made clear that, after serving the valuation report to the petitioners, the houses shall be demolished for formation of road. Further, the second respondent is directed to complete the said process, within a period of two weeks from the date of receipt of a copy of this order and pass orders on the enhancement of compensation within a period of four weeks thereafter.

12.With the above directions, these writ petitions are disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Ministry of Road Transport and Highways,
Government of India,
National Highways Authority of India,
G 5 and 6, Sector - 10, Dwarka,
New Delhi - 110 075.
2. The District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri - 15.
3. Competent Authority and
Special District Revenue Officer - Land Acquisition,
National Highways - 844,
(Hosur - Royakottai - Dharmapuri Section),
Dharmapuri.
4. The Project Director (NH 844),
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W.P.Nos. 23689, 23693 and 23700 of 2021
and
W.M.P.Nos.24938, 24942 and 24950 of 2021

NK(CO)
RGA(25/11/2021)