



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NOS.23679 AND 23685 OF 2021

1.M.Govindaraji ...Petitioner in W.P.No.23679 of 2021

2.P.Nirmala ...Petitioner in W.P.No.23685 of 2021

Vs.

1.The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G5 & 6, Sector-10, Dwarka,
New Delhi - 110 075.

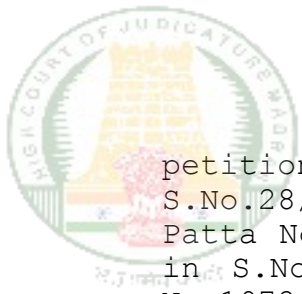
2.The District Collector,
Collectorate Office,
Dharmapuri District.

3.The Competent Authority &
Special District Revenue Officer
Land Acquisition,
National Highways -844,
(Hosur-Royakottai-Dharmapuri Section)

4.The Project Director,
National Highways Authority of India,
PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

...Respondents
(In both Writ petitions)

Common Prayer : These Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference/representation dated 28.07.2021 and 09.09.2021 made by both the petitioners in W.P. No.23679 and W.P. No.23685 of 2021 under Section 3G(5) of the National Highways Act, by re-considering the Award dated 16.06.2021 and 06.05.2021 Ref. No.03/2018/LA and enhance the compensation in respect of



petitioners' land measuring 1423.5 Sq.Mtrs comprised in S.No.28/16B, 315 Sq.Mtrs comprised in S.No.220/1A, covered in Patta No.1973, and 1489 Sq.Mtrs, comprised in 28/13, 886 Sq.mtrs in S.No.28/14B, 1410 Sq.Mtrs in S.No.28/12, covered in Patta No.1972, Velagalahalli Village, Dharmapuri District by following the procedure contemplated under the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and re-fix the compensation as per the provision of Schedule I & II and Section 26(1)a&b of the Central Act 30 of 2013, within a time frame to be fixed by this Court and pass orders accordingly.

For Petitioners	::	Mr.S.Thankasivan in both W.P's
For Respondents 1 to 3	::	Mr.V. Veluchamy (Government Advocate) in both W.P's
For Respondent-4	::	Mr. Su. Srinivasan (Standing Counsel for NHAI) in both W.P's

C O M M O N O R D E R

These Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference/representation dated 28.07.2021 and 09.09.2021 made by both the petitioners in W.P. No.23679 and W.P. No.23685 of 2021 under Section 3G(5) of the National Highways Act, by re-considering the Award dated 16.06.2021 and 06.05.2021 Ref. No.03/2018/LA and enhance the compensation in respect of petitioners' land measuring 1423.5 Sq.Mtrs comprised in S.No.28/16B, 315 Sq.Mtrs comprised in S.No.220/1A, covered in Patta No.1973, and 1489 Sq.Mtrs, comprised in 28/13, 886 Sq.mtrs in S.No.28/14B, 1410 Sq.Mtrs in S.No.28/12, covered in Patta No.1972, Velagalahalli Village, Dharmapuri District by following the procedure contemplated under the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and re-fix the compensation as per the provision of Schedule I & II and Section 26(1)a&b of the Central Act 30 of 2013, within a time frame to be fixed by this Court and pass orders accordingly.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents as well as perused the material available on records.



3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the Special District Revenue Officer-Land Acquisition/3rd respondent herein passed the award dated 06.05.2021 and 16.06.2021 for the acquisition of petitioners' land for the purpose of National Highways. The petitioners are not satisfied with award passed by the 3rd respondent due to lower compensation. Hence, the petitioners in W.P. No.23679 of 2021 and W.P. No.23685 of 2021 have made representations dated 28.07.2021 and 09.09.2021 to the 2nd respondent requesting to reconsider the said award following the procedure contemplated under the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and re-fix the compensation as per the provision of Schedule I & II and Section 26(1)a&b of the Central Act 30 of 2013. Even receipt of the aforesaid representations, there is no action and orders on their representations so far. Hence, this Court without expressing any opinion with regard to the merits of the case, directs the 2nd respondent to consider their representations dated 28.07.2021 and 09.09.2021 and pass appropriate orders on it in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

4. In the result, the Writ Petitions are disposed of accordingly. Consequently, connected miscellaneous petitions are closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

Lbm

To:

1. The Secretary to Government,
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National Highways Authority of India,
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The Special District Revenue Officer,
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BP(CO)
RVM(24/01/2022)