



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.27412, 27417, 27419, 27464, 27467, 27470, 27471
and 27475 of 2021

and

W.M.P Nos.28933, 28940, 28941 and 28984, of 2021

M.Raja	...Petitioner in W.P.No.27412 of 2021
M.Periyasamy	...Petitioner in W.P.No.27417 of 2021
M.Arul	...Petitioner in W.P.No.27419 of 2021
Chinnathai Alias Chikka	...Petitioner in W.P.No.27464 of 2021
S.Kandhasamy	...Petitioner in W.P.No.27467 of 2021
V.Marimuthu	...Petitioner in W.P.No.27470 of 2021
C.Parmasivam	...Petitioner in W.P.No.27471 of 2021
D.Kuppu	...Petitioner in W.P.No.27475 of 2021

Vs

1. The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G 5 & 6 Sector-10, Dwarka,
New Delhi - 110 075.
2. The District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri - 15.
3. Competent Authority/
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 WPs

Prayer in W.P.No.27412 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to pass appropriate orders on



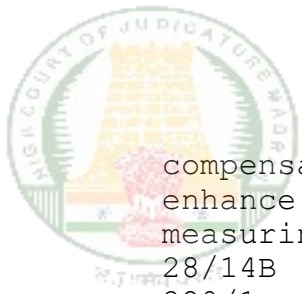
the reference/representation made by the petitioner dated 12.07.2021 and 02.09.2021 to reconsider the two Awards in Roc.No.03/2018/LA, dated 08.03.2021 in respect of his land measuring 1273 sq.mtrs comprised in S.No.234/3E, New S.No.234/3E2, land measuring 1727 sq.mts comprised in S.No.234/3B, land measuring 200 sq.mts comprised in S.No.234/3C land measuring 1666 sq.mts comprised in S.No.234/3D, New S.No.234/3D2, covered in Patta Nos.648, 775 and 576, Velagahalli Village, Dharmapuri District and available hundreds or mango trees, coconut trees 27 numbers aged 25 years, tamarind trees 7, drumstick trees 6 numbers, neem trees 3 numbers, custard apple tree one, well having a depth of 60 feet, width of 20x15, L shape stone building having 20 feet height, 200 feet 3 inch pvc pipe, motor shed having 4x3 feet size etc. 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 Section 26(1) a & b of the Central Act 30 of 2013 within the time frame to be fixed by this Court.

Prayer in W.P.No.27417 of 2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference/representation dated 11.09.2021 made by the petitioner under Section 3G(5) of the National Highways Act by reconsidering the Award Roc 11/2018/ LA dated 8.5.2021 and 7.8.2021 passed by the Special District Revenue Officer- Land Acquisition National Highways- 844 (Hosur- Royakottai- Dharmapuri Section) and enhance the compensation in respect of land measuring 410 sq.mtrs together with 7 coconut trees and one neem tree and half share in the well comprised in S.No. 23/1D covered in patta No. 1654 and land measuring 500 sq.mtrs comprised in S.No. 23/1F land measuring 950 sq.mtrs comprised in S.No. 23/3 covered in Patta No. 1537, Erranahalli Village, Palacode Taluk, 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 the time frame to be fixed by this Hon`ble Court.

Prayer in W.P.No.27419 of 2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference/representation dated 18.8.2021 and 13.9.2021 made by the petitioner under Section 3G(5) of the National Highways Act by reconsidering the Awards Roc. 03/ 2018/ LA and 16.6.2021 pay the



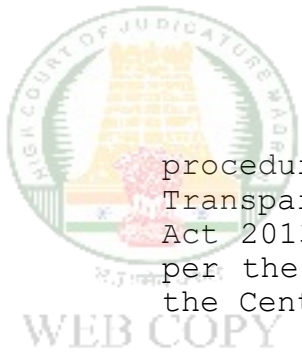
compensation for the 1200 feet bore well other amenities and enhance the compensation in respect of petitioners land measuring 130 sq.mtrs. comprised 28/13 500 sq.mtrs. in S.No. 28/14B 707.5 sq.mtrs in S.no. 28/16B 693 sq.mtrs in S.No. 220/1 covered in Patta No. 1972 and 1973 Velagahalli Village Dharmapuri district and enhance the compensation for petitioners land and other amenities and trees etc. available in the land 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 the time frame to be fixed by this Hon`ble Court.

Prayer in W.P.No.27464 of 2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the 2nd respondent authorities to dispose of the petitioners Reference under section 3G (5) of the National Highways Act and considering the petitioners representation dated 14.6.2021 and 14.12.2021 to reconsider the two Awards Roc. 03/ 2018 / LA 8.3.2021 pass appropriat land comprised in S. No. 234 / 2D new S No. 234 / 2D2 measuring 882 sq.mtrs. land comprised in S. No. 234/ 2E new S. No. 234/2E2 measuring 139 sq.mtrs. land comprised in S. No. 224/2G New S. No. 224 / 2G1 measuring 4 sq.mtrs. land comprised in S. No. 224/2H new S. No.224/2H1 measuring 583 sq.mtrs covered in patta Nos. 2130, 2132 and 2133 Velagalhalli village palacode Taluk Dharmapuri Distirct calculating measuring about 1000 sq.ft with six rooms, one cement sheet room measuring 150 sq.ft, well having depth of 60 feet with 30 * 30 feet dimension with stone parapet wall, one motor room 3 *3 feet, water tank measuring 5 * 4 feet, two bathrooms measuring 100 sq.ft each, 45 coconut trees age of 40 years and 45 trees age of 3 years, 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.

Prayer in W.P.No.27467 of 2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the 2nd respondent to pass appropriate orders on the reference / representation dated 11.9.2021 and 27.09.2021 made by the petitioner under section 3G (5) of the National Highways Act by rconsidering Award Roc 11 / 2018 / LA dated 14.7.2021 passed by the 3rd respondent and enhance the compensation in respect of his land measuring 880 sq.mtrs. covered in Patta No. 3368 comprised in S. No. 105/1A New S. No. 105 / 1A2 Erranahalli village Palacode Taluk 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 the time frame.

Prayer in W.P.No.27470 of 2021:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the 2nd respondent to pass appropriate orders on the reference / representation dated 13.09.2021 made by the petitioner under section 3G (5) of the National Highways Act by reconsidering Award Roc. 11 / 2018 / LA dated 18.01.2021 Ref. No. 11 / 2018 / LA and award dated 6.8.2021 Ref. No. 23 / 2018 / LA passed by the Special District Revenue officer - Land Acquisition National Highways - 844 (Hosur - Royakottai -dharmapuri section) and enhance the compensation in respect of petitioner land measuring 5111 sq.ft 475 sq.mtr) and land measuring an extent of 1883 sq.ft (175 sq.mtr) both comprised in S. No. 441/4B New S. No. 441/4B2 covered in Patta No. 2801 Erranahalli Village palacode Taluk 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 the time frame to be fixed by this Hon`ble Court.

Prayer in W.P.No.27471 of 2021:

Directing the 2nd respondent to pass appropriate orders on the reference / representation dated 20.10.2021 made by the petitioner under section 3G (5) of the National Highways Act by reconsidering Award Roc. 09 / 2018 / LA dated 24.11.2020 and Award dated 23.2.2021 passed in respect of my measuring 1050 sq.mtrs. comprised in S. No. 321 / 4 land measuring 155 sq.mtrs. comprised in S. No. 321/5B and land measuring 195 sq.mtrs. all covered in patta No 277 land measuring 170 sq.mtrs comprised in S. No. 321 / 5A covered in patta no. 1115 Jakkasamuthiram village palacode taluk Dharmapuri District and also calculate the value for the irrigation well and nine coconut trees available in the said lands 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 the time frame to be fixed by this Hon`ble Court.

Prayer in W.P.No.27475 of 2021:

Directing the 2nd respondent to pass appropriate orders



on the reference /representation dated 10.09.2021 made by the petitioner under section 3G (5) of the National Highways Act by reconsidering the Award Roc. 03 / 2018 / LA dated 10.03.2021 in respect of petitioner land measuring 312 sq.mtrs. comprised in S.No. 28/6 new S. No. 28/6A land measuring 736 sq.mtrs. comprised in S. No. 28/9 New No. 28/9A land measuring 1965 sq.mtrs comprised in S NO. 28/10 New No. S. No. 28/10A covered in patta No. 673 Velagalahalli village Palacode taluk Dharmapuri Distirct Trees and other infrastructures available therein 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 the time frame.

For Petitioner

in all W.Ps : Mr.R.Ramesh Raja

For Respondents :

in all W.Ps Mr.S.N.Parthasarathi
SCGSC (for R1)
Mr.M.Muthusamy
Government Advocate (for R2 & R3)
Mr.Su.Srinivasan (for R4)

C O M M O N O R D E R

These writ petitions are filed to issue a Writ of Mandamus, to direct the second respondent to pass appropriate orders on the reference/representation made by the petitioners dated 12.07.2021, 02.09.2021, 11.09.2021, 18.08.2021, 13.09.2021, 14.06.2021, 14.12.2021, 11.09.2021, 27.09.2021, 13.09.2021, 20.10.2021 and 10.09.2021 to reconsider the Awards in Roc.No.03/2018/LA, Roc.No.03/2018/LA Roc.No.11/2018/LA, Roc.No.11/2018/LA, Roc.No.03/2018/LA, Roc.No.03/2018/LA, Roc.No.03/2018/LA, Roc.No.03/2018/LA, Roc.No.11/2018/LA, Roc.No.11/2018/LA, Roc.No.23/201//LA, Roc.No.09/2018/LA, Roc.No.09/2018/LA and Roc.No.03/2018/LA, dated 08.03.2021, 08.05.2021, 07.08.2021, 06.05.2021, 16.06.2021, 08.03.2021, 14.07.2021, 18.01.2021, 06.08.2021, 24.11.2020, 23.02.2021 and 10.03.2021 respectively in respect of the respective petitioners' lands 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 Section 26(1) a & b of the Central Act 30 of 2013 within the time frame to be fixed by this Court.

2. In identical circumstances, this Court has passed the following order in W.P.Nos.23689, 23693 and 23700 of 2021, dated



23.11.2021:-

(*)3. Following the above order, these Writ Petitions are also disposed of in the same terms. Therefore, it is appropriate to direct the second respondent to engage a competent valuer to value of the well, motor rooms and other amenities of the petitioner in W.P.No.27412 of 2021, the properties comprised in S.No.234/3E, New S.No.234/3E2, S.No.234/3B, S.No.234/3C and S.No.234/3D2, covered in patta Nos.648, 775 and 576, the well and other amenities of the petitioner in W.P.No.27417 of 2021, the properties comprised in S.No.23/1C, S.No.23/1F, S.No.23/2, S.No.23/3, S.No.24/1B and S.No.24/2, covered in patta No.1537, the bore well and other amenities of the petitioner in W.P.No.27419 of 2021, the properties comprised in S.Nos.28/13, 28/14B, 28/16B and S.No.220/1, covered in patta Nos.1972 and 1973, the houses, well and other amenities of the petitioner in W.P.No.27464 of 2021, the properties comprised in S.No.234/2D, S.No.234/2D2, S.No.234/2E, New S.No.234/2E2, S.No.224/2G, New S.No.224/2G1 and S.No.224/2H, New S.No.224/2H1, covered in patta Nos.2130, 2132 & 2133, the lands and other amenities of the petitioner in W.P.No.27467 of 2021, the properties comprised in S.No.105/1A, New S.No.105/1A2, covered in patta No.3368, the lands and other amenities of the petitioner in W.P.No.27470 of 2021, the properties comprised in S.No.441/4B, New S.No.441/4B2, covered in patta No.2801, the well, lands and other amenities of the petitioner in W.P.No.27471 of 2021, the properties comprised in S.Nos.321/4, 321/5B and 321/5A, covered in patta No.277, the lands and other amenities of the petitioner in W.P.No.27475 of 2021, the properties comprised in S.No.28/6, New S.No.28/6A, S.No.28/9, New S.No.28/9A and S.No.28/10, New S.No.28/10A, covered in patta No.673, situated at Velagahalli Village, Erranahalli Village and Veppalahalli Village, Palacode Taluk, Dharmapuri District and after receipt of the valuation receipt from the competent valuer, pass orders on the enhancement of compensation proceedings. It is made clear that, after serving the valuation report to the petitioners, the houses, lands, well, bore well and other amenities shall be demolished for formation for 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."

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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."

3. Following the above order, these Writ Petitions are also disposed of in the same terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)
(23/12/2021)

**(*) incorporated as per order
of this court dated 06.01.2022
in W.P.No.27412 of 2021**

Sd/-
**Assistant Registrar(CS-IV)
(19/01/2022)**

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G 5 & 6 Sector-10, Dwarka,
New Delhi - 110 075.

2. The District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri - 15.

3. Competent Authority/
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.

+1cc to Government Pleader, S.R.No.69801

**To be Substituted to
the order already
despatched on
dated 29.12.2021**

W.P.No.27412 of 2021

BP (CO) PR (23/12/2021)

SR(CO) RGA(21/01/2022)