



W.P.No.16655 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16655 of 2012

R.P.Ganeshan

.. Petitioner

Vs.

1. Union of India,
Rep by its Secretary,
Ministry of road Transport and Highways,
New Delhi.
2. Project Director, NH-66,
National Highways Authority of India,
No.10, Govindasamy Nagar
Vazhaudhareddy Post,
Villupuram,-605401.
3. Competent Authority
The Special District Revenue Officer
(Land Acquisition NH 66)
National Highways Project,
Krishnagiri,
Tamilnadu.
4. The District Forest Officer,
Krishnagiri.

(R-4 is *Suo-moto* impleaded as per Order dated
27.06.2016 by NKKJ in W.P.No/16655 of 2012)

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari or any other appropriate writ or order or direction under Article 226 of the Constitution of India calling for the records on the file of the third respondent relating to the notification under Sub Clause (1) of Section 3A of the The National Highways Act 1956 (48 of 1956) NK No.1033 of 2009 dated 06.07.2010 of the National Highways Act 1956 (48 of 1956) and the declaration published in Section 3D(1) of the National Highways Act 1956 (48 of 1956) N.K.No:150/2010(B1) dated 06.06.2011 published in Dina Thanthi, pertaining to petitioner's land in Survey No.19/1A4 measuring an extent of 3000.0sqmt which works out to 1 acre and 86cents in Uthangarai By Pass road-Kollapatti Village and to quash the same.

For petitioner : Mr.Mohan for
M/s. S.K.Chandra Kumar
For Respondents : M/s.A.Kumaraguru for R1
Mr.Richardson Wilson for
M/s.P.Wilson Associates for R2
Mr. Yogesh Kannadasan,
Special Government Pleader for RR-3 & 4

ORDER

The present petition has been filed seeking to quash the notification issued under Sub Clause (1) of Section 3A of the National Highways Act



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1956 (48 of 1956) in NK. No.1033 of 2009 dated 06.07.2010 and the declaration published in Section 3D (1) of the National Highways Act 1956 (48 of 1956) N.K.No.1500/1020(B1) dated 06.06.2011 which was published in Dina Thanthi pertaining to the petitioner land.

2. Though the present petition has been filed questioning the Land Acquisition Proceedings, however, when the matter is taken up for hearing, the learned counsel for the petitioner restricted his grievance only with regard to a rare endangered Species of Red Sanders that has been grown in the petitioner's land which holds a high value in the international market. Subsequent to the said acquisition, Award was passed by the 3rd respondent vide proceedings dated 13.06.2013 fixed the compensation amount for all red sanders and other species of trees to the tune of Rs.1,52,935/- which amount is very meagre. Since, the petitioner has spent enormous amounts to grow the sand trees, compensation should be quantified with regard to the quality and importance of the trees and the market value of the sand trees. Therefore, this Court may appoint an appropriate Officer well-versed with regard to plantations to inspect the trees in the petitioner's land.



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3. Learned Central Government Standing Counsel appearing for the

2nd Respondent fairly conceded the submission made by the learned counsel for the petitioner with regard to the appointment of an appropriate officer to deal with the issue pertaining to trees situated in the petitioner's lands.

4. Heard the learned counsel on the either side and perused the materials available on record.

5. In view of the fair submissions made by the learned counsel on the either side and the issue being with regard to quantification of compensation with regard to certain species of Red sanders available in the land of the petitioner, which has since been acquired, this Court is inclined to appoint Mr. V.K.Bahuguna, IFS, a Retired DG ICFRE and on behalf of the State and National Highways, the Chief Conservator of forest shall nominate a person and the aforesaid persons shall evaluate the quality of the trees, which have been put in issue and to fix the compensation amount in respect of the trees situated in the petitioner's land and they shall jointly file a report with regard to the same before the Land Acquisition Officer. Upon receipt of the report, the Land Acquisition Officer is directed to act on the same by



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fixing the rate of the trees on the basis of the report of the experts and pay appropriate compensation to the petitioner towards the said trees. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. Insofar as remuneration to the expert is concerned, the amount is fixed at Rs.75,000/- as mutually agreed by both sides, which shall be borne equally by the petitioner and the respondents.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Registry is directed to issue a Commission Warrant to Mr.V.K.Bahuguna, IFS, Retired DG, ICFRE.

8. If the petitioner is aggrieved, liberty is granted to the petitioner to work out the remedy in the manner known to law.

13.07.2022

NHS

Note to Office :

Issue order copy on 15.07.2022



WEB COPY

To



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M.DHANDAPANI, J.

NHS

1. The Secretary,
Ministry of road Transport and Highways,
New Delhi.
2. Project Director, NH-66,
National Highways Authority of India,
No.10, Govindasamy Nagar
Vazhaudhareddy Post,
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National Highways Project,
Krishnagiri,
Tamilnadu.
4. The District Forest Officer,
Krishnagiri.
5. V.K.Bahuguna, IFS, Retired DG, ICFRE,
No.A101, Jagadambe Apartments,
C58/25, Sector 62,
Noida-Uttar Pradesh.

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