



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.2922 & 2925 of 2022

and

W.M.P.Nos.3060 of 2022

R.Dhandayudhapani ...Petitioner in W.P.No.2922 of 2022

P.R.Krishnamoorthy ...Petitioner in W.P.No.2925 of 2022

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 both W.Ps.

PRAYER in W.P.No.2922 of 2022:Writ Petition 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 dated 01.06.2021 and 13.01.2022 made by the petitioner under section 3G(5) of the National Highways Act, by reconsidering the four Awards dated 18.01.2021 and one Award dated 06.08.2021 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of petitioner's land comprised in S.Nos.898/1 AC, measuring 65 Sqmtrs. Patta No.2862, S.No.902/B1D1 measuring 433 sq.mtrs. Patta Nos.3303 and 3304,



WEB COPS

S.No.902/B1C1 measuring 375 sq.mtrs.S.No.902/B1B1 measuring 397 sq.mtrs. 902/B1C11 measuring 297 sq.mtrs covered in patta No.3302, S.Nos.902/B1A measuring 2235 sq.mtrs, 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 fixed by this Court.

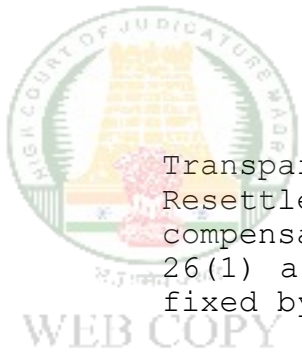
PRAYER in W.P.No.2925 of 2022:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the second respondent to pass appropriate orders on the reference/representation dated 03.07.2021 and 19.01.2022 made by the petitioner under section 3G(5) of the National Highways Act, by reconsidering the Award dated 7.04.2020 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of petitioner's land comprised in S.Nos.898/A2A, measuring 2098 Sqmtrs. land comprised in S.No.899/A2A 149 sq.mtrs, land comprised in S.No.899/C2B, measuring 2095 sq.mtrs, Patta No.59 Erranahalli Village, Palacode Taluk, Dharmapuri District, and also assess the value of borewell, compound wall, pipelines and other amenities, trees etc. situated in the said land, by following the section 26 to 30 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 fixed by this Court.

For Petitioner : Mr.R.Ramesh Raja
(in both W.Ps)

For Respondents : Mrs.R.Durgarani, (for R.1)
(in both W.Ps) Central Government Standing Counsel
Mr.Su.Srinivasan (for R.4)
Ms.D.Tamilselvi (for R.2 & R.3)
Additional Government Pleader

COMMON ORDER

These writ petitions are filed to issue a Writ of Mandamus, to direct the second respondent to pass appropriate orders on the representation made by the petitioners dated 01.06.2021, 13.01.2022, 03.07.2021 and 13.01.2022 by reconsidering the Awards dated 06.08.2021 and 07.04.2020 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 Schedule I & II and Section 26(1) a & b of the Central Act 30 of 2013 within the time frame fixed by this Court.

2. The case of the petitioner is that, the National Highways Authority issued a notification under Section 3A-(1) under the National Highways Act 1956, for the purpose of laying National Highways. Compensation award was passed in favour of the petitioners. However, the petitioners are aggrieved by the compensation awarded. Hence, petitioners made a representation to the second respondent to reconsider the compensation awarded. However, till date no action has been taken by the 2nd respondent on the representation made by the petitioner. Hence the present Writ Petition has been filed by the petitioner with the above relief.

***3.The learned counsel appearing for the petitioner submitted that the matter is squarely covered by the decision in W.P.Nos.27412 of 2021 and hence this Court may pass same order as that of the above said Writ Petition in W.P.No.27412 of 2021.**

4. The learned Additional Government Pleader also fairly conceded the submission made by the learned counsel appearing for the petitioner.

5. On a careful consideration of the materials, this Court is of the opinion that the matter in issue is squarely covered by the decision in W.P.No.27412 of 2021 and therefore, it stands attracted to the present case. Hence, the petitioner is entitled for the relief as granted by this Court in the above said similar Writ Petition and the 2nd respondent is also directed to extend the similar benefit to the petitioners herein as that of the petitioners in W.P.No.27412 of 2021.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

***Para No.3 to 6 now corrected
and incorporated
as per the order of this Court
dated:28.02.2022**

//True Copy//

Sub Assistant Registrar

tri/nhs



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.
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4. The Project Director (NH 844),
National Highways Authority of India,
PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

+1 cc to Government Pleader Sr.NO. 10312

W.P.No.2922 & 2925 of 2022

&

W.M.P.No.3060 of 2022

NR(CO)

A.SK(17/03/2022)