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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.2332 and 2336 of 2022

And

W.M.P.No.2497 of 2022

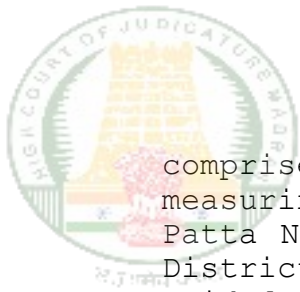
K.Murali ...Petitioner in W.P.2332/2022

N.Gopal ...Petitioner in W.P.2336/2022

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 both W.Ps.

Prayer in W.P.No.2332 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pass appropriate orders on the reference / representation dated 09.12.2021 made by the petitioner under section 3G (5) of the National Highways Act, by reconsidering two Awards dated 09.09.2021 and enhance the compensation in respect of petitioner land measuring 58 sq.mtrs.



comprised in S.No.384 /1C1 covered in Patta No.574, and land measuring 1150 sq.mtrs. comprised in S.No.373/2, covered in Patta No.1493, Jittandahalli Village, Palacode Taluk, Dharmapuri District and the other amenities, trees etc. situated in the said land by following the procedure contemplated under Section 29 of 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 and 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.2336 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pass appropriate orders on the reference / representation dated 08.01.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by reconsidering Award dated 07.08.2021 passed in respect of his land measuring 19 sq.mtrs. and 3351 sq.mtrs. comprised in S.No.368/4, new S.No.368/4B, covered in patta No.469, Jittandahalli Village, Palacode Taluk, Dharmapuri District and the actually available well having a depth of 80 feet and width 25 x 25 feet in the said lands and other amenities and trees and crops and cultivation being carried on therein, by following the procedure contemplated under Section 29 of 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 and 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.

For Petitioners : Mr.R.Ramesh Raja
In both WP's

For Respondents : Mr.A.Veeramani for R1
In both WP's CGC
Mr.C.Kathiravan
Special Government Pleader
Mr.Su.Srinivasan for R4

C O M M O N O R D E R

Since the relief sought for in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

2.The grievance of the petitioners is that their lands were acquired by the National Highways Authority for the purpose of laying National Highways 844, however, they fixed only very



meagre compensation without considering the residential property, trees and other amenities thereon. Hence, the petitioners made reference / representation under Section 3G (5) of the National Highways Act, seeking to reconsider the award amount, by following the procedure contemplated under Section 29 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and to re-fix the compensation as per the provision of Schedule I and II and Section 26(1) a & b of the Central Act 30 of 2013 since the same has not yet been considered, have filed these writ petitions.

3.The learned counsel appearing for the petitioners submitted that the very same issue has already been considered by this Court in W.P.Nos.27412 of 2021 etc., batch and vide order dated 22.12.2021, this Court issued direction to the second respondent to engage a competent valuer to value the well and other amenities in the petitioner therein's land and to pass appropriate orders on the enhancement of compensation proceedings after receipt of the valuation receipt from the competent valuer and prayed for similar orders in these writ petitions also.

4.In view of the above, this Court directs the second respondent to consider the references / representations dated 09.12.2021 and 08.01.2022 respectively, made by the petitioners under section 3G (5) of the National Highways Act, in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

5.These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//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
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3. Competent Authority and
Special District Revenue Officer - Land Acquisition
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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 the Government Pleader, S.R.No.9872

W.P.Nos.2332 and 2336 of 2022
And
W.M.P.No.2497 of 2022

NK(CO)
RGA(03/03/2022)