



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9461 of 2022
and
W.M.P.No.9203 of 2022

N.Ravi

...Petitioner

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

Prayer: 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 27.01.2021 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the house, wells, trees, and all other structures and other amenities existing in his lands comprised in Nos.237/1D measuring 449 sq.mtrs. and 1 sq.mtr., covered in patta No.581, 237/1E, new S.No.237/1E2 measuring 1974 sq.mtrs. and 2126 sq.mtrs. covered in patta No.401, 237/1A, new



S.No.237/1A2 measuring 63 sq.mtrs. covered in patta No.580 237/1B, covered in patta No.464 measuring 390 sq.mtrs. and 10 sq.mtrs., 237/1C covered in patta No.456, measuring 250 sq.mtrs. Velagalahalli Village, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Awards dated 11.03.2021 and one Award dated 10.01.2022, by strictly following the procedure contemplated under section 26 to 30 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 & II and Section 26(1) a & b of the Central Act 30 of 2013, within the time frame to be fixed by this Court.

For Petitioner : Mr.R.Ramesh Raja

For R1, 3 & 4 : Mr.Su.Srinivasan
Senior Panel Counsel

R2 : Mr.V.Veluchamy
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to pass appropriate orders on the reference/representation dated 27.01.2021 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the house, wells, trees, and all other structures and other amenities existing in his lands comprised in Nos.237/1D measuring 449 sq.mtrs. and 1 sq.mtr., covered in patta No.581, 237/1E, new S.No.237/1E2 measuring 1974 sq.mtrs. and 2126 sq.mtrs. covered in patta No.401, 237/1A, new S.No.237/1A2 measuring 63 sq.mtrs. covered in patta No.580 237/1B, covered in patta No.464 measuring 390 sq.mtrs. and 10 sq.mtrs., 237/1C covered in patta No.456, measuring 250 sq.mtrs. Velagalahalli Village, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Awards dated 11.03.2021 and one Award dated 10.01.2022, by strictly following the procedure contemplated under section 26 to 30 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 & II and Section 26(1) a & b of the Central Act 30 of 2013, within the time frame that may be fixed by this Court.



2. The grievance of the petitioner is that the petitioner's 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 value of the residential property, wells, trees and other amenities thereon. Hence, the petitioner made reference/representation dated 27.01.2022 under Section 3G (5) of the National Highways Act, before the second respondent, seeking to re-determination of 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, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner 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's 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 this writ petition also.

4. In view of the above, this Court directs the second respondent to consider the reference/representation dated 27.01.2021 made by the petitioner 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. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



jd/rap

To

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Government of India
National Highways Authority of India
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- +1 CC to The Government Pleader sr 26330.

W.P.No.9461 of 2022
and
W.M.P.No.9203 of 2022

SS(CO)
SP(05/05/2022)