



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9467 of 2022
and
W.M.P.No.9206 of 2022

P.Govindasamy

...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 18.02.2022 made by the petitioner under Section 3G(5) of the National Highways Act 1956, by reconsidering the Awards dated 21.12.2021, 22.12.2021 and 02.09.2020 passed in respect of his lands comprised in survey



Nos.6/1B, new S.No.6/1B1, measuring 243 sq.mtrs., covered in patta No.83, land comprised in S.No.6/1A, New S.No.6/1A1, measuring 1451 sq.mtrs., covered in patta No.72, S.No.25/2B8, new S.No.245/2B8A, measuring 5 sq.mtrs., covered in Patta No.73, S.No.23/B4, measuring 27.88 sq.mtrs., covered in patta No.28, T.Kollahalli Village, Denkanikotta Taluk, Krishnagiri District by assessing the value of shops, buildings, structure, standing crops and etc. available in his lands and also consider the loss of rental income, 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 & 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 18.02.2022 made by the petitioner under Section 3G(5) of the National Highways Act 1956, by reconsidering the Awards dated 21.12.2021, 22.12.2021 and 02.09.2020 passed in respect of his lands comprised in survey Nos.6/1B, new S.No.6/1B1, measuring 243 sq.mtrs., covered in patta No.83, land comprised in S.No.6/1A, New S.No.6/1A1, measuring 1451 sq.mtrs., covered in patta No.72, S.No.25/2B8, new S.No.245/2B8A, measuring 5 sq.mtrs., covered in Patta No.73, S.No.23/B4, measuring 27.88 sq.mtrs., covered in patta No.28, T.Kollahalli Village, Denkanikotta Taluk, Krishnagiri District by assessing the value of shops, buildings, structure, standing crops and etc. available in his lands and also consider the loss of rental income, 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 & II and Section 26(1) a & b of the Central Act 30 of 2013, within the time frame to 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 commercial shops, buildings, structure, standing crops, trees and other amenities thereon. Hence, the petitioner made reference/representation dated 18.02.2022 under Section 3G (5) of the National Highways Act, before the second respondent, seeking to redetermination 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 18.02.2022 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



To

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

W.P.No.9467 of 2022
and
W.M.P.No.9206 of 2022

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