



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.10833 of 2022, 10837 of 2022 and 10841 of 2022
and

W.M.P. Nos.10460, 10463 and 10466 of 2022

T.C. Srinivasan

.... Petitioner in W.P. No.10833 of 2022

M.Sivagami

.... Petitioner in W.P. No.10837 of 2022

K.Kuppuswamy

.... Petitioner in W.P. No.10841 of 2022

Versus

1. The Secretary to Government
Ministry of Road Transport & Highways
Government of India,
National Highways Authority of India,
G5 & G6, Sector - 10, Dwarka,
New Delhi - 110 075.

... 1st respondent in all W.P.s

2. The District Collector,
Collectorate Office,
Krishnagiri District,
Krishnagiri.

3. Competent Authority /
Special District Revenue Officer - Land Acquisition,
National Highways - 844
(Hosur - Royakottai - Dharmapuri Section)
Krishnagiri.

... 2nd and 3rd respondents in W.P.
No.10833 of 2022

2. The District Collector - Cum Arbitrator,
Collectorate Office,
Dharmapuri District,
Dharmapuri - 15.



3. Competent Authority /
Special District Revenue Officer - Land Acquisition,
National Highways - 844
(Hosur - Royakottai - Dharmapuri Section)
Dharmapuri.

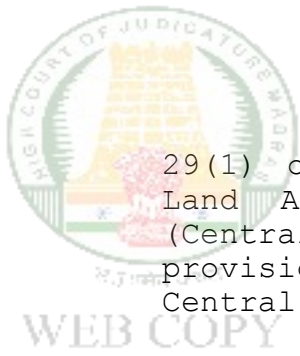
... 2nd and 3rd respondents in both
W.P.s Nos.10837 and 10841 of 2022

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

...4th respondents in all W.P.s

Prayer in W.P. No.10833 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd 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, by reconsidering Awards dated 1.12.2021 & 4.1.2022 passed in respect of petitioner's lands comprised in survey Nos.243/2, land measuring 5500 sq. mtrs., covered in patta No.772, Thuppukanapalli Village, land comprised S. No.465/1A measuring 5440 sq. mtrs, covered in patta No.631 Thayanadurgam Village, Sulagiri Taluk, Krishnagiri District by assessing the value of well, borewell, trees, fencings, pipeline, drip irrigations, parapet walls, cemeteries, other structures, standing crops etc., available 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 & II and Section 26(1) a & b of the Central Act 30 of 2013, within the time frame.

Prayer in W.P. No.10837 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 22.3.2022 and 5.4.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by reconsidering Award dated 17.6.2021 passed in respect of his land measuring 6257 sq. mtrs., comprised in S. No.414/5B, covered in Patta No.995, Jittandahalli Village, Palacode Taluk, Dharmapuri District and the actually available well measuring 40X30 width and depth 100 feet 2 Net Bore well 750 feet in the above said well 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(1) 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.

Prayer in W.P. No.10841 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 29.9.2021 & 5.4.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by appointing a competent engineers / officials for assessing the value of the 8 coconut trees and five neem tree, vilvam tree and one drum stick tree and other trees and well measuring 30X35 width and 95 depth with parapet wall and other amenities available in petitioner's land measuring 262 sq. mtrs comprised in S. No.15/1B, covered in patta No.1216 and land measuring 53 sq. mtrs comprised in S. No.15/1B, covered in Patta No.1216, Erranahalli Village, Palacode Taluk, Dharmapuri District and reconsidering to reconsider the Award dated 11.1.2021 and 20.07.2021 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of my land measuring 262 sq. mtrs comprised in S. No.15/1B, covered in patta No.1216, and land measuring 53 sq. mtrs comprised in S. No.15/1B, covered in Patta No.1216, Erranahalli Village, Palacode Taluk, Dharmapuri District together with 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.

For Petitioner
in all W.P.s : Mr. R. Ramesh Raja

For Respondents
in all W.P.s : Mr.P.Sathish,
Additional Govt.Pleader for R1 to R3
Mr.Su.Srinivasan, NHAI for R4

COMMON ORDER

Since the issue involved in all these writ petitions, are one and the same, these writ petitions are 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 nature of 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 redetermine the award amount, 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 to re-determine the compensation as per the provision of Schedule I and II and Section 26(1) a & b of the Central Act 30 of 2013 and 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, vide order dated 22.12.2021, wherein this Court issued direction to the second respondent to engage a competent valuer to value the well and other amenities in the lands of the petitioner therein and to pass appropriate orders on the enhancement of compensation proceedings after receipt of the valuation report from the competent valuer and hence, he prayed for similar orders in these writ petitions also.

4. Having regard to the above order passed by this Court, the facts in the present case being identical, which is not disputed by the respondents, the relief granted therein can be extended to the petitioner herein. Accordingly, in the light of the order dated 22.12.2021 passed in W.P. Nos.27412 of 2021 etc., batch, this Court directs the second respondent to consider the representations dated 18.02.2022, 22.03.2022, 29.09.2021 and 05.04.2022 (2 Nos.) 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. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary to Government
Ministry of Road Transport & Highways
Government of India,
National Highways Authority of India,
G5 & G6, Sector - 10, Dwarka,
New Delhi - 110 075.

2. The District Collector,
Collectorate Office,
Krishnagiri District,
Krishnagiri.

3. Competent Authority / Cum Arbitrator,
Special District Revenue Officer - Land Acquisition,
National Highways - 844
(Hosur - Royakottai - Dharmapuri Section)
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4. The District Collector,
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5. Competent Authority /
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(Hosur - Royakottai - Dharmapuri Section)
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6. The Project Director (NH 844)
National Highways Authority of India,
PIU - Krishnagiri
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

+1cc to Mr.R.Rajesh Vivekananthan, Advocate, S.R.No.30241
+1cc to the Government Pleader, S.R.No.30428

W.P. Nos.10833 of 2022,
10837 of 2022 and 10841 of 2022

GSM[co]
NSK/30/05/2022