



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2022

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11294 of 2022
and
W.M.P.No.10851 of 2022

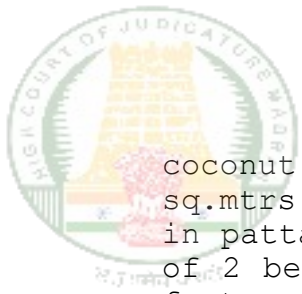
M.Rani

... Petitioner

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

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to pass appropriate orders on the reference/representation dated 04.05.2021, 04.03.2022 and 20.04.2022 and 20.04.2022 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the well, coconut trees, neem trees, tomato crops, paddy field, drip irrigation facility other structures and other amenities comprised in Survey No.237/1H, new S.No.237/1H1, measuring 1600 sq.mtrs. covered in patta No.2174, 237/1G, new S.No.237/1G2 measuring 182 sq.mtrs. covered in patta No.2164 and tomatoes and sugarcane and other standing crops. Further there are 10 neem trees and 30 small



coconut trees etc. comprised in S.No.237/1F1B measuring 719 sq.mtrs. and new S.No.237/1F3 measuring 850 sq.mtrs. covered in patta No.249 and house measuring 30 X 30 sq.feet consisting of 2 bedrooms, one hall, kitchen, and one bathroom 10 X 5 sq. feet, well 30 X 35 width 60 depth, 15 neem trees and four drumstick trees, 6 coconut trees, 1 lemon tree, 10 custard apple tree, 1 guava tree. Further there is a well-constructed with parapet wall, measuring 30 X 35 feet having a depth of 60 feet for water irrigation. There are 4 big tamarind trees, cultivating paddy, standing crops, tomatoes, ground nut and sugarcane and other amenities etc. comprised in No.237/1F, measuring 1660 and 59 sq. mtrs. covered in patta No.581, Velagalahalli Village, Palacode Taluk, Dharmapuri District, Velagalahalli Village, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the three Awards dated 10.03.2021, 12.03.2021 and 14.03.2022 and for petitioner's mother land awards dated 12.04.2021 and 14.03.2022 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 Respondents : Mr.R.Rajesh Vivekananthan
Additional Solicitor General for R1

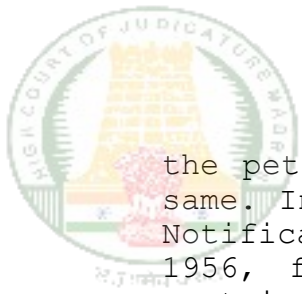
Mr.P.Sathish,
Additional Government Pleader
for R2 & R3

Mr.Su.Srinivasan, NHA1 for R4

ORDER

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 04.05.2021, 04.03.2022 and 20.04.2022 and 20.04.2022 made by the petitioner.

2. The case of the petitioner is that she is the owner of lands comprised in Survey No.237/1H new S.No.237/1H1, measuring 1600 sq.mtrs covered in Patta No.2174, Survey No.237/1G, new S.No.237/1G2 measuring 182 sq.mtrs. covered in Patta No.2164, lands comprised in Survey No.237/1F, new S.No.237/1F1B, measuring 719 sq.mtrs and new S.No.237/1F3 measuring 850 sq.mtrs. covered in Patta No.249, Velagalahalli Village, Palacode Taluk, Dharmapuri District. The above said lands were acquired by way of inheritance. Subsequent to the acquired right and title in respect of the aforesaid lands,



the petitioner is in peaceful possession and enjoyment of the same. In the year 2018, the National Highways Authority issued Notification under Section 3A(1) of the National Highways Act 1956, for the purpose of laying National Highways 844 and certain extent of petitioner's lands were acquired by the National Highways Authority, however, the Competent Authority fixed very meagre compensation without considering the Well, construction, trees and other amenities thereon. Hence, the petitioner made references/representations dated 04.05.2021, 04.03.2022 and 20.04.2022, under Section 3G (5) of the National Highways Act, seeking to re-determine the award amount, by following the procedures 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, and 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 therein to engage a competent valuer to value the Well and other amenities in the petitioner's land therein 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. Respective learned counsel appearing for respondents have no objection to the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In the above circumstances, this Court directs the second respondent to consider the references/representations dated 04.05.2021, 04.03.2022 and 20.04.2022 made by the petitioner under section 3G (5) of the National Highways Act, for engagement of valuer for valuing the Well and other amenities in line with the order passed in W.P.Nos.27412 of 2021 etc., batch for valuing the amenities and pass appropriate orders in accordance with law on receipt of the report of the valuer within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



jd/rap

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,
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Dharmapuri-15.
- 3.Competent Authority &
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National Highways - 844,
(Hosur-Royakottai - Dharmapuri Section),
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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 Mr.R.Rajesh Vivekananthan, Advocate Sr.NO. 30242
W.P. No.11294 of 2022
and
W.M.P.No.10851 of 2022

SKM(CO)
A.SK(10/06/2022)