



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2022
CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11302 of 2022
and
W.M.P.No.10856 of 2022

M.Rajappan

... 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 08.04.2022 and 18.04.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by appointing a competent engineers/officials for assessing the value of well 40x35, 80 feet depth with parapet well 10 feet 4 sides inside the well, 4 side bore 150 feet in the well, coconut trees, PVC pipes, water tank to the extent of 6X3, free EB services comprised in S.No.622/3C covered in patta No.1172 and 800 feet bore well, 3 coconut trees comprised in S.No.622/10 covered in patta No.2428 and coconut trees, cow shed, 42X22 concrete basement of house 6 feet height, hen shed, standing crops, tomato, sugarcane, vegetables, flowers etc. comprised in S.No.622/3A



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covered in patta No.816 and the petitioner submit that he is carrying agricultural activities from the water sources of his well and coconut trees, neem trees, drumstick trees and other various trees comprised in S.No.622/1N covered in patta No.2427 and 4 coconut trees (big), coconut small trees comprised in S.No.622/1U covered in patta No.816 and silk warm plant (earning Rs.60,000 once in 3 months from silk warm plant) in the award the authorities has not calculated future income from such plant comprised in S.No.622/1F covered in patta No.816 and 25 coconut trees comprised in S.No.622/1P covered in patta No.816 and tomatoes and other crops comprised in S.No.622/1C covered in patta No.816 and by reconsidering Award dated 20.09.2021, 11.11.2021 and 11.11.2021 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of his land measuring 4980 sq.mtrs comprised in S.No.622/3C covered in patta No.1172, S.No.622/10 covered in patta No.2428, S.No.622/3A covered in patta No.816, S.No.622/1N covered in patta No.2427, S.No.622/1U, S.No.622/1F, S.No.622/1P, S.No.622/1C covered in patta No.816 Jittandahalli Village, Palacode Taluk, Dharmapuri District, which the petitioner had acquired by way of ancestral and partition deed and the petitioner carrying on agricultural activities in the said property and eking out livelihood. From the date of his ownership, he is in peaceful possession and enjoyment of the property and the actually available 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 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, NHAI for R4

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 08.04.2022 and 18.04.2022 made by the petitioner under Section 3G (5) of the National Highways Act.



2. The case of the petitioner is that he is the owner of land measuring 4980 sq.mtrs comprised in S.No.622/3C covered in Patta No.1172, S.No.622/10 covered in Patta No.2428, S.No.622/3A covered in Patta No.816, S.No.622/1N covered in Patta No.2427, S.No.622/1U, S.No.622/1F, S.No.622/1P, S.No.622/1C covered in Patta No.816, situated at Jittandahalli Village, Palacode Taluk, Dharmapuri District. The above said lands were inherited by way of ancestral and partition deed. Subsequent to the ownership of the aforesaid property, 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, they fixed only very meagre compensation without considering the Well, trees and other amenities thereon. Hence, the petitioner made references/representations dated 08.04.2022 and 18.04.2022, 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 08.04.2022 and 18.04.2022 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.



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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jd/rap
To

- 1.The Secretary to Government,
Ministry of Road Transport & Highways,
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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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259/1, Salem Main Road,
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W.P. No.11302 of 2022
and
W.M.P.No.10856 of 2022

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