



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2022

CORAM :

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11312 of 2022
and
W.M.P.No.10859 of 2022

R.Rajamanikam

... 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 28.02.2022 made by the petitioner under Section 3G(5) of the National Highways Act, by appointing a competent engineers/officials for assessing the value of 4 borewell measuring 1000 and 800 feet, 10 coconut tree, standing crops and other trees in the said land by reconsidering Award dated 30.11.2021 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 209 sq.mtrs comprised in S.No.536/1B1 new S.No.536/1B1A, covered in patta No.147, Kragathahalli Village, Dharmapuri District, the land measuring 586



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sq.mtrs. comprised in S.No.536/1A2 new S.No.536/1A2A, covered in patta No.147, Kragathahalli Village, Dharmapuri District and 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 28.02.2022 made by the petitioner under Section 3G (5) of the National Highways Act.

2. The case of the petitioner is that the petitioner and his mother are the joint pattadhar of lands measuring an extent of 795 sq.mts, in which, the petitioner is the owner of the lands measuring 209 sq.mtrs comprised in S.No.536/1B1 new S.No.536/1B1A, covered in Patta No.147, and his mother is the owner of property measuring 586 sq.mtrs comprised in S.No.536/1A2 new S.No.536/1A2A, covered in Patta No.147, Kragathahalli Village, Dharmapuri District respectively, which were acquired by way of inheritance from his ancestors. In the year 2018, the National Highways Authority issued Notification under Section 3A(1) of the National Highways Act 1956 and certain extent of 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 Well, trees and other amenities thereon. Hence, the petitioner made reference/representation dated 28.02.2022, 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 petitioners 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 reference/representation dated 28.02.2022 made by the petitioner under section 3G(5) of the National Highways Act, for engagement of valuer for valuing the Well, trees 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//

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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Special District Revenue Officer - Land Acquisition,
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SKM(CO)
A.SK(10/06/2022)