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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11322 of 2022 and
W.M.P.No.10861 of 2022

C.Madhayan

... 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 06.12.2021, 21.03.2022 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 9 coconut trees, 4 neem trees, one tamarind tree, one drumstick tree, one guava tree, two custard apple tree, curry leaves tree, sandal wood tree and other trees and well measuring 30 X 40 width and depth 80 feet, Bore well 1100 feet in the above said well, land with standing crops of rice, gram, grains, tomatoes, sugarcane, vegetables, flowers and motor room, PVC pipes line for 800 mtrs. on the said



acquired, water tank, trip irrigation facilities, free EB Services comprised in S.No.621/1H covered in patta No.326. and by reconsidering Award dated 27.09.2021 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 694 sq.mtrs comprised in S.No.621/1H covered in patta No.326, Jittandahalli Village, Palacode Taluk, Dharmapuri District, 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 Vivekanantan
ASG for R1

Mr.Su.Srinivasan, NHAI for R4

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

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 considering the petitioner's references / representations dated 06.12.2021, 21.03.2022 and 18.04.2022.

2. It is the case of the petitioner that, he acquired the lands comprised in Survey No.621/1H, New S.No.621/1H2, admeasuring 4500 sq. mtrs. situated in Jittanahalli Village, Palacode Taluk, Dharmapuri District, 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 stating that the petitioner's land of an extent of 694 sq. mtrs. were be acquired for the purpose of laying National Highways 844, however, the competent authority has fixed very meager compensation without considering the construction, Well, trees and other amenities thereon. Hence, the petitioner made references / representations before the second respondent dated 06.12.2021, 21.03.2022 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(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



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(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 seeking the aforesaid relief.

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 for 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 petitioner's references/representations dated 06.12.2021, 21.03.2022 and 18.04.2022 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//

Sub Assistant Registrar

rap/jd

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,
Collectorate Office,
Dharmapuri District,
Dharmapuri-15.

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3.The 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.

+1 cc to Special Government Pleader Sr.NO. 30840

W.P. No.11322 of 2022

SKM(CO)

A.SK(10/06/2022)