



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.11388, 11396, 11398 and 11403 of 2022
W.M.P.Nos.10922, 10927, 10932 and 10937 of 2022

P.Thulasiammal	... Petitioner in W.P.No.11388 of 2022
C.Govindaraji	... Petitioner in W.P.No.11403 of 2022
M.Madhappan	... Petitioner in W.P.No.11396 of 2022
P.Chinnapappan	... Petitioner in W.P.No.11398 of 2022

Vs.

1. The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G5 & 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 in all W.P.s

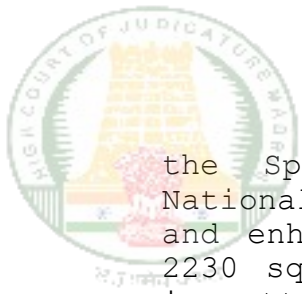
Prayer in W.P.No.11388 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 04.03.2022 made by the



petitioner, by appointing a competent engineers / officials for assessing the value of the Tomatoes, ground nut, raagi, Thuvarai, Hyacinth bean plants. Further 55 mango trees age of ten year and 112 mango trees, two madhi tree, other structures and other amenities existing in his lands comprised in S.Nos.236/1C, covered in patta No.578, Golashanahalli Village, Velagalahalli Tharapu, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Awards dated 20.01.2021, 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), 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 Hon'ble Court.

Prayer in W.P.No.11396 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 22.02.2022 made by the petitioner, by appointing a competent engineers / officials for assessing the value of the plants like Tomato, ground nut, raagi, further there are 10 mango trees age of ten years and 55 mango trees. Further drip irrigation facility in the said land, and all other structures and other amenities existing in his lands comprised in S.Nos.235/5D, New, S.Nos.235/5D1, covered in patta No.531, Velagalahalli Village, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Awards dated 20.01.2021 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 Hon'ble Court.

Prayer in W.P.No.11398 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 13.01.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by appointing a competent engineers / officials for assessing the value of land measuring 2230 sq. mtrs. Together with cultivating vegetables, tomato, horse gram etc. and also seasonal crops 35 mango trees at the age of 87 years and 28 nos. of neem trees aged 15 years and other trees and crops and cultivation being carried on therein comprised in S.No.418/3 new S.No.418/3B, covered in patta No.582, Jittandahalli Village, Dharmapuri District and by reconsidering Award dated 20.09.2021 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 2230 sq.mtrs. Comprised in S.No.418/3 new S.No.418/3B, covered in patta No.582, Jittandahalli Village, 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), 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 Hon'ble Court.

Prayer in W.P.No.11403 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the reference / representation dated 12.11.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by reconsidering Award dated 30.07.2021 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and 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 enhance the compensation in respect of his land of measuring 199 sq.mtrs.covered in patta No.1322, comprised in S.No.536/1A1, new S.No.536/1A1A, Karagathahalli 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) within the time frame to be fixed by this Hon'ble Court.

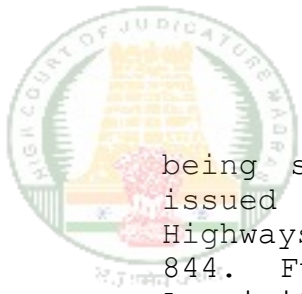
For Petitioners : Mr.R.Ramesh Raja
(in all WPs)

For Respondents : Mr.V.Veluchamy
(in all WPs) Additional Government Pleader

ORDER

Since the issue involved and the relief sought for in these Writ Petitions, are identical in nature, the same were heard together and disposed of, by way of this common order.

2. The grievance of the petitioners is that they are the owner of the lands in S.Nos. 236/1C, 235/5D, New S.No.235/5D1, 418/3, new S.No.418/3B, 536/1A, New S.No.536/1A1A respectively, situated in Dharmapuri District. Thereafter, the petitioners are in possession and enjoyment of the said properties. While that



being so, in the year 2018, the National Highways Authority issued notification under Section 3A-(1) under the National Highways Act 1956, for the purpose of laying National Highways 844. Further the Special District Revenue Officer - Land Acquisition passed Awards on 20.01.2021, 20.09.2021, 30.07.2021 in respective Writ Petitions, which is very meagre in nature. As against which the petitioners made references / representations before the second respondent dated 04.03.2022, 22.02.2022, 13.01.2022, 12.11.2021 to fix fair compensation as per as per the provision of Schedule I and II and Section 26(1) a & b of the Central Act 30 of 2013 . Since the said references / representations has evoked no response from the second respondent, the petitioners have filed the present Writ Petitions seeking the aforesaid relief.

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 and vide order dated 22.12.2021, this Court issued direction to the second respondent to engage a competent valuer to value the trees and other amenities in the petitioner therein's land 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 these writ petitions also.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5.In view of the submission made by the learned counsel appearing for the petitioners, this Court directs the second respondent to consider the references / representations dated 09.12.2021 and 08.01.2022 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.

6.These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rap



To

1. The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G5 & 6, Sector-10, Dwarka,
New Delhi - 110 075.
2. The District Collector,
Collectorate Office,
Dharmapuri District, Dharmapuri - 15.
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

+1cc to the Government Pleader, S.R.No.31022

W.P.Nos.11388, 11396, 11398 and 11403 of 2022

RK(CO)
CT 02/06/2022