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W.P.No.16115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.16115 of 2022
and
W.M.P No.15488 of 2022

G.Mani

... 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),

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National Highways Authority of India,
PIU-Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

... Respondents

Prayer:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to pass appropriate orders on the reference/representation dated 06.07.2021 and 20.06.2022 made by the petitioner by appointing a competent engineers/officials for assessing the value of the well, bore well, Hp motors with electricity connection, drip irrigation facilities, crops, trees, cultivation being carried on, coconut plants and other structures and amenities etc., comprised in S.Nos.284/2B, 284/3B, measuring 3263 sqmtrs and 1477 sqmts covered in patta No.2441 Athoornahali Village & Post, Velagalahalli Revenue Village, Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 15.03.2021 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), 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



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For Respondents : Mr.G.Krishnaraja,
Additional Government Pleader
Mr.Su.Srinivasan (for R4)

ORDER

This writ petition is filed for issuance of a Writ of Mandamus to direct the second respondent to pass appropriate orders on the reference/representations made by the petitioner, dated 06.07.2021 and 20.06.2022, by appointing competent Engineers/officials for assessing the value of the petitioner's properties and pay appropriate compensation to the petitioner, by re-considering the Award dated 15.03.2019, by strictly following the procedures contemplated under Sections 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 provisions of Schedules I & II and Section 26 (1) (a) & (b) of the Central Act 30 of 2013, within the time frame that may be fixed by this Court.

2. In identical circumstances, this Court has passed the following order in W.P.Nos.23689, 23693 and 23700 of 2021, dated 23.11.2021:-



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“3. The petitioner in W.P.No.23689 of 2021 owned the properties comprised in Survey No.222/2A, Survey No.222/5B, covered in Patta No.990, Survey No.222/7B, Survey No.222/8B, covered in Patta No.90 and Survey No.222/8A3, covered in Patta No.1971. The petitioner in W.P.No.23693 of 2021, owned properties comprised in Survey No.222/8A3, Survey No.222/7A2, covered in Patta No.1971 and Survey No.222/5, covered in Patta No.990. The petitioner in W.P.No.23700 of 2021, owned properties comprised in Survey No.222/1B, Survey No.222/7A2, covered in Patta No.990, Survey No.222/2A, covered in Patta No.991, situated at Velagahalli Village, Palacode Taluk, Dharmapuri District.

4. While being so, the fourth respondent proposed to acquire the said lands for the purpose of laying National Highways 844 (Hosur - Royakottai - Dharmapuri Section). The objections were called for and the petitioners submitted their objections. However, after acquisition proceedings, the award has been passed.

5. Accordingly, the subject lands were classified as Dry Manaavari Lands Type II and Dry Well Irrigation Type II and calculated the land value of the petitioner in W.P.No.23689 of



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2021, at 37.39 per sq.metres and 46.97 per sq.metres respectively and awarded only the total compensation of Rs.62,17,174/- (Rupees Sixty Two Lakhs Seventeen Thousand One Hundred and Seventy Four only), calculated the land value of the petitioner in W.P.No.23693 of 2021, at 37.39 per sq.metres and 46.96 per sq.metres respectively and awarded only the total compensation of Rs.41,81,761/- (Rupees Forty One Lakhs Eighty One Thousand Seven Hundred and Sixty One only) and calculated the land value of the petitioner in W.P.No.23700 of 2021, at 37.39 per sq.metres and 46.96 per sq.metres respectively and awarded only the compensation of Rs.30,45,977/- (Rupees Thirty Lakhs Forty Five Thousand Nine Hundred and Seventy Seven only) and Rs.16,50,560/- (Rupees Sixteen Lakhs Fifty Thousand Five Hundred and Sixty only) respectively.

6. However, the petitioners submitted representations seeking enhancement of compensation. According to the petitioners, in their acquired lands, there are houses, shares in well and lots of trees were situated and as such, the value of the houses, wells and trees were not properly assessed before passing the award. Now, the request for enhancement of compensation is pending with the second respondent.



7. *The learned counsel for the petitioners would submit that the houses of the petitioners were not properly valued and they had taken into consideration only construction and awarded very meager compensation. Therefore, while requesting for enhancement is pending before the second respondent, the said houses has to be valued properly by the competent authority concerned and on the reports submitted by the valuer, so as the second respondent can pass order on the enhancement of compensation.*

8. *The learned counsel for the fourth respondent submitted that after passing the award, the petitioners were duly received the compensation and handed over the possession of the properties along with the houses as early as on 08.07.2021.*

9. *However, suppressed the said fact and filed their present writ petitions to consider their representations dated 08.10.2021. Admittedly, the petitioners seeking for enhancement of compensation as contemplated under Section 3G(5) of the National Highways Act, 1956, is pending on the file of the second respondent.*

10. *The only grievance of the petitioners is that the houses were not properly valued and as such, the petitioners*



are entitled for enhancing compensation. Therefore, it is appropriate to direct the second respondent to engage a competent valuer to value the houses of the petitioner in W.P.No.23689 of 2021, the properties comprised in Survey No.222/2A, Survey No.222/5B covered in Patta No.990, Survey No.222/7B, Survey No.222/8B, covered in Patta No.90 and Survey No.222/8A3, covered in Patta No.1971, the house of the petitioner in W.P.No.23693 of 2021, properties comprised in Survey No.222/8A3, Survey No.222/7A2, covered in Patta No.1971 and Survey No.222/5, covered in Patta No.990 and the house of the petitioner in W.P.No.23700 of 2021, properties comprised in Survey No.222/1B, Survey No.222/7A2, covered in Patta No.990, Survey No.222/2A, covered in Patta No.991, situated at Velagahalli Village, Palacode Taluk, Dharmapuri District and after receipt of the valuation report from the competent valuer, pass orders on the enhancement of compensation proceedings.

11. It is made clear that, after serving the valuation report to the petitioners, the houses shall be demolished for formation of road. Further, the second respondent is directed to complete the said process, within a period of two weeks from the date of receipt of a copy of this order and pass orders on the enhancement of compensation within a period of four weeks



thereafter.

12. With the above directions, these writ petitions are disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.”

3. Following the above order in W.P.No.23689 of 2021 etc, dated 23.11.2021, this Court disposed of similar cases in W.P.No.27412 of 2021 etc., batch, dated 22.12.2021 on the same terms. Thereafter, on being mentioned in W.P.No.27412 of 2021 etc., batch, dated 22.12.2021, this Court clarified the matter as follows on 06.01.2022, which reads as under:

Therefore, it is appropriate to direct the second respondent to engage a competent valuer to value of the well, motor rooms and other amenities of the petitioner in W.P.No.27412 of 2021, the properties comprised in S.No.234/3E, New S.No.234/3E2, S.No.234/3B, S.No.234/3C and S.No.234/3D2, covered in patta Nos.648, 775 and 576, the well and other amenities of the petitioner in W.P.No.27417 of 2021, the properties comprised in S.No.23/1C, S.No.23/1F, S.No.23/2, S.No.23/3, S.No.24/1B and S.No.24/2, covered in



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patta No.1537, the bore well and other amenities of the petitioner in W.P.No.27419 of 2021, the properties comprised in S.Nos.28/13, 28/14B, 28/16B and S.No.220/1, covered in patta Nos.1972 and 1973, the houses, well and other amenities of the petitioner in W.P.No.27464 of 2021, the properties comprised in S.No.234/2D, S.No.234/2D2, S.No.234/2E, New S.No.234/2E2, S.No.224/2G, New S.No.224/2G1 and S.No.224/2H, New S.No.224/2H1, covered in patta Nos.2130, 2132 & 2133, the lands and other amenities of the petitioner in W.P.No.27467 of 2021, the properties comprised in S.No.105/1A, New S.No.105/1A2, covered in patta No.3368, the lands and other amenities of the petitioner in W.P.No.27470 of 2021, the properties comprised in S.No.441/4B, New S.No.441/4B2, covered in patta No.2801, the well, lands and other amenities of the petitioner in W.P.No.27471 of 2021, the properties comprised in S.Nos.321/4, 321/5B and 321/5A, covered in patta No.277, the lands and other amenities of the petitioner in



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W.P.No.27475 of 2021, the properties comprised in S.No.28/6, New S.No.28/6A, S.No.28/9, New S.No.28/9A and S.No.28/10, New S.No.28/10A, covered in patta No.673, situated at Velagahalli Village, Erranahalli Village and Veppalahalli Village, Palacode Taluk, Dharmapuri District and after receipt of the valuation receipt from the competent valuer, pass orders on the enhancement of compensation proceedings. It is made clear that, after serving the valuation report to the petitioners, the houses, lands, well, bore well and other amenities shall be demolished for formation for road. Further, the second respondent is directed to complete the said process, within a period of two weeks from the date of receipt of a copy of this order and pass orders on the enhancement of compensation within a period of four weeks thereafter.”

4.Following the above orders W.P.Nos.23689, 23693 and 23700 of 2021, dated 23.11.2021 and W.P.No.27412 of 2021 etc., batch, dated



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22.12.2021 and on being clarified on 06.01.2022 in W.P.No.27412 of 2021

etc., batch, the present Writ Petition is also disposed of in the same terms and directions issued therein. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.06.2022

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Index: Yes/No

Speaking Order: Yes

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,
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Dharmapuri – 15.

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Special District Revenue Officer-Land Acquisition,
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4. The Project Director (NH 844),
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M.DHANDAPANI,J.

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