



W.P.Nos.16153 & 16161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.16153 & 16161 of 2022

and

W.M.P.Nos.15533 & 15540 of 2022

- | | |
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| 1. S.Eswaran | ... Petitioner in W.P.No.16153 of 2022 |
| 2. M.Valli | ... Petitioner in W.P.No.16161 of 2022 |

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 in both W.Ps



W.P.Nos.16153 & 16161 of 2022

Prayer in W.P.No.16153 of 2022: 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 17.05.2022, 17.06.2022 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the well, coconut trees, neem trees, tomato crops, paddy field, drip irrigation facility other structures and other amenities comprised in Survey No.286/2A, new S.No.286/2A2, measuring 1264 sq.mtrs covered in patta No.1307, Bommanur Village, (Jakkasmuthiram revenue village) Palacode Taluk, Dharmapuri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 05.05.2021, the same was served to the petitioner on 06.05.2022 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.

Prayer in W.P.No.16161 of 2022: 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 22.07.2020, 25.07.2020, 22.10.2020, 22.10.2021 & 17.06.2022 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the planted standing crops, paddy, 8 coconut big trees, well 30X30, depth 50 feet, parapet wall 3 sides 7 feet, parapet wall one side 14 feet, 5 HP Motors with electricity service, pipe line length 20 feet and other structures and amenities etc.,



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compromised in S.No.286/2B and new S.No.286/2B2 and standing crops, tomatoes, sugarcane, 28 small mango trees 5 years old, 13 big mango trees 10 years old, 12 coconut trees 30 years old, 14 neem trees 10 years old, 1 custard apple tree, pipe lines 120 feet and other structures and amenities etc comprised in S.No.286/2C and new S.No.286/2C2, and enhance and pay appropriate compensation to the petitioner by reconsidering the Two Awards dated 15.07.2020, award received on 02.09.2020 and award dated 25.01.2021 award copy received on 21.09.2021 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 Petitioners : Mr.R.Ramesh Raja
For R1 : Mr.R.Rajesh Vivekananthan
Assistant Solicitor General
For R2 & R3 : Mr.G.Krishna Raja
Additional Government Pleader
For R4 : Mr.Su.Srinivasan,
Senior Counsel for NHAI

COMMON ORDER

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



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2. The grievance of the petitioners is that their lands were acquired by the National Highways Authority for the purpose of laying National Highways 844, however, the Competent Authority fixed very meagre compensation without considering the Well, construction, trees and other amenities thereon. Hence, the petitioners made references/representations before the second respondent 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. Since the same has not yet been considered, and therefore, the petitioners have filed the present Writ Petitions.

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 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



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receipt of the valuation receipt from the competent valuer and prayed for similar orders in these writ petitions also.

4. Respective learned counsel appearing for the 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 references/representations dated 17.05.2022, 17.06.2022 and 22.07.2020, 25.07.2020, 22.10.2020, 22.10.2021 & 17.06.2022 respectively, made by the petitioners 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 observations and directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.06.2022

Index : Yes / No

Speaking order : Yes / No

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To

WEB CUM

- 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,
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- 3.Competent Authority &
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M.DHANDAPANI, J.

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