



WEB COPY



W.P.No.17389 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.17389 of 2022
and
W.M.P.No.16699 of 2022

R.Krishnamoorthy

... 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



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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 06.07.2021 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the well, thatched house 40*20 feet and planted various trees like 30 coconut trees 25 years old, 50 coconut plants 5 years old, 10 neem trees 10 years old, papaya tree, 5 drum sticks trees. 1 custard apple tree, 3 side bore 150 feet in 150 S.No.260/6B covered in patta 611, further 30 coconut trees 25 years old, papaya trees in S.No.260/5c covered in patta 2007, I have coconut trees, house 30*27 feet consisting of 2 rooms 10*10 feet, pooja room 5*5 feet, hall 20*10 feet, showcase 6/4 inches, compound wall 30*50, height 5 feet, double gate and single gate in S.No.260/6A covered in patta 2016 and enhance and pay appropriate compensation to the petitioner by reconsidering the three Award dated 09.03.2021 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

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

This writ petition has been filed with a prayer to issue a Writ of Mandamus directing the second respondent to pass appropriate orders on the reference/representation dated 06.07.2021 made by the petitioner, by appointing a competent engineers/officials to assessing the value of well and other amenities, enhance and pay appropriate compensation to the petitioner by reconsidering the three Award dated 09.03.2021 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.

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 meager 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



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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, 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 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 order in this writ petition also.

4. The learned counsel appearing for the respondents have no objection for the said order being passed.



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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 06.07.2021, 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.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

06.07.2022

Index : Yes / No
Speaking order : Yes / No
nsa/rsi



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To



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M.DHANDAPANI, J.

nsa/rsi

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