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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.23682 OF 2021  
W.M.P.NO.24927 OF 2021

M.Peruma

... Petitioner

-Vs-

1. The Secretary to Government,  
The Ministry of Road Transport & Highways,  
The Government of India,  
National Highways Authority of India,  
G 5 & 6, Sector -10, Dwarka,  
New Delhi - 110 075.
2. The District Collector,  
The Collectorate Office,  
Dharmapuri District,  
Dharmapuri - 15.
3. The Competent Authority/  
The Special District Revenue Officer  
- Land Acquisition,  
National Highways - 844,  
(Hosur-Royakottai-Dharmapuri Section)  
Dharmapuri.
4. The Project Director (NH 844)  
The 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 the issuance of a Writ of Mandamus, to direct the respondent authorities to dispose of the petitioner's representation dated 13.10.2021 to the second and third respondents and pass appropriate orders in compliance of the



statutory provisions of Schedule I to III and Section 29 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 Court.

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For Petitioner : Mr.R.Ramesh Raja

For Respondents

For R1 to R3 : Mr.M.Muthusamy  
Government Advocate

For R4 : Mr.Su.Srinivasan

#### ORDER

The Writ Petition has been filed to direct the respondent authorities to dispose of the petitioner's representation dated 13.10.2021 to the second and third respondents and pass appropriate orders in compliance of the statutory provisions of Schedule I to III and Section 29 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) (herein after referred to as "the New Act") within the time frame to be fixed by this Court.

2. Heard Mr.R.Ramesh Raja, learned counsel appearing for the petitioner, Mr.M.Muthusamy, learned Government Advocate appearing for the respondents 1 to 3 and Mr.Su.Srinivasan, learned counsel appearing for the fourth respondent.

3. The petitioner submitted representation dated 13.10.2021, to the third respondent seeking compensation in compliance of the statutory provisions of Schedule I to III and Section 29 of the New Act. The petitioner's land was acquired under the National Highways Act, 1956 for the purpose of laying national highways 844 - Hosur - Rayakottai - Dharmapuri Section. Thereafter the award was passed on 29.01.2021 and compensation of Rs.1,34,03,117/- was fixed for the land comprised in survey No.620/2 to an extent of 59 cents, situated at Erranahalli Village, Palacode Taluk, Dharmapuri District. Since the award amount is very meager, the petitioner submitted an appeal before the second respondent for enhancement of the compensation.

4. The second respondent passed award dated 23.09.2021, thereby enhanced the compensation by calculating the value of the land as Rs.99.32 per sq.ft. However, the contention of the petitioner is that no award has been passed in respect of the value of the house situated in the land as such, he submitted



representation dated 13.10.2021. Since the same has not been considered, the petitioner filed this Writ Petition with the above said prayer.

5. After passing the Arbitration Award dated 23.09.2021 by the second respondent viz., The District Collector, Dharmapuri, the representation of the petitioner cannot be considered by the respondents herein. The petitioner has to challenge the Arbitration Award dated 23.09.2021 under the Arbitration Act, before the competent Court in the manner known to law. Therefore, the Writ Petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to challenge the award passed by the second respondent, in the manner known to law.

6. With the above directions, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,  
The Ministry of Road Transport & Highways,  
The Government of India,  
National Highways Authority of India,  
G 5 & 6, Sector -10, Dwarka,  
New Delhi - 110 075.
2. The District Collector,  
The Collectorate Office,  
Dharmapuri District,  
Dharmapuri - 15.
3. The Competent Authority/  
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- Land Acquisition,  
National Highways - 844,  
(Hosur-Royakottai-Dharmapuri Section),  
Dharmapuri.



4. The Project Director (NH 844)  
The National Highways Authority of India,  
PIU - Krishnagiri,  
259/1, Salem Main Road,  
Near KAKC Petrol Bunk,  
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+1cc to the Government Pleader, S.R.No.7358

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GMR (CO)  
PBS/21/02/2022