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W.P.Nos.26804 & 26805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26804 & 26805 of 2022
and
W.M.P.Nos.25856 & 25857 of 2022

Mari ... Petitioner in W.P.No.26804 of 2022
S.Sakkaravarthi ... Petitioner in W.P.No.26805 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.



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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 WPs

Prayer in W.P.No.26804 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 23.08.2022 and 26.09.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by appointing a competent engineers/officials for assessing the value of the tomatoes, vegetables and flowers and consist of 64 tamarind 45 years big trees, 2 eucalyptus trees, eluppai tree one and konakattal tree, land measuring 5883.24 sq.mtrs. comprised 231/4A1 new S.No.231/4A1B, Palacode Taluk, covered in joint patta No.989, Chudanur Village, Palacode Taluk, Dharmapuri District and by reconsidering Award dated 28.06.2022 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of their land measuring 5883.24 sq.mtrs. comprised 231/4A1 new S.No.231/4A1B, Palacode Taluk, covered in joint patta No.989, Chudanur 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) and re-fix the compensation as per the



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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 and to direct the respondent to deposit in to the account of petitioner the balance amount of 33% of land value which is unreasonably deducted by the land acquisition officer and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act.

Prayer in W.P.No.26805 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 15.04.2022 and 26.09.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by appointing a competent engineers/officials for assessing the value of the nursery, erected net fencing surrounding the said land, erected 500 feet PVC pipe line, 3000 litre capacity water tank, laid pipe lines for 200 feet, in land measuring 835 sq.mtrs. comprised S.No.233/1B1A, new S.No.233/1B1A2, covered in joint patta No.1005, Chudanur Village, Palacode Taluk, Dharmapuri District and by reconsidering Award dated 10.02.2022 passed by the Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section) and enhance the compensation in respect of their land measuring 835 sq.mtrs. comprised S.No.233/1B1A new S.No.233/1B1A2, covered in joint patta No.1005, Chudanur 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



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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 and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act.

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

For R1 to R3 : Mr.B.Vijay,
(in both WPs) Additional Government Pleader

For R4 : Mr.Su.Srinivasan,
(in both WPs) Standing Counsel

COMMON ORDER

Since the relief sought for in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

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, they fixed only very meagre compensation without considering the tress, nursery and other amenities thereon. Hence, the petitioners made references / representations under Section 3G (5) of the



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National Highways Act, before the second respondent seeking to reconsider the award amount, by following the procedure 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, have filed these 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 trees, well and other amenities in the petitioners' lands 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 orders in these writ petitions also.



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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 15.04.2022, 23.08.2022, 26.09.2022 respectively, made by the petitioners under section 3G (5) of the National Highways Act, for engagement of valuer for valuing the trees, nursery 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 observation and directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.10.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To

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M.DHANDAPANI, J.

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