



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.32144 of 2022

and

W.M.P No.31565 of 2022

Krishnan

... 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



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pass appropriate orders on the reference / representation dated 1.11.2022 made by the petitioner under Section 3G (5) of the National Highways Act by reconsidering Award dated 1.8.2022 passed by the Special District Revenue Officer-Land Acquisition National Highways-844 (Hosur-Ryakottai-Dharmapuri Section) and re-fix the compensation as per the provision of schedule I and II and Section 26(1) a and b of the Central Act 30 of 2013 and enhance the compensation in respect of land comprised in S.No.30/2B measuring an extent of 10628 Sq.Mtrs covered in pata No.531 Echanahalli Village, Denkanikottai Taluk, Krishnagiri District by assessing the value of well 30x30 feet, depth 50 feet, 20 big mango trees, 100 small mango trees, 90 neem trees, 3 Tamarind Trees, 110 coconut trees, 3 palam trees, 2 guava trees, 2 curry leaves, 25, 2 drumstick trees, maathi trees cow shed 20X15 feet built with hallow block stones and other structures and amenities etc., available in his lands and also to consider the loss of rental income and the actually available by following the procedure contemplated under 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 and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.Rajesh Vivekanandan
DSG (for R1)
Mr.B.Vijay, AGP (for R2 & R3)
Mr.Su.Srinivasan (for R4)

**ORDER**

The writ petition is filed to issue a Writ of Mandamus, the 2nd respondent to pass appropriate orders on the reference / representation dated 1.11.2022 made by the petitioner under Section 3G (5) of the National Highways Act by reconsidering Award dated 1.8.2022 passed by the Special District Revenue Officer-Land Acquisition National Highways-844 (Hosur-Ryakottai-Dharmapuri Section) and re-fix the compensation as per the provision of schedule I and II and Section 26(1) a and b of the Central Act 30 of 2013 and enhance the compensation in respect of land comprised in S.No.30/2B measuring an extent of 10628 Sq.Mtrs covered in pata No.531 Echanahalli Village, Denkanikottai Taluk, Krishnagiri District by assessing the value of well 30x30 feet, depth 50 feet, 20 big mango trees, 100 small mango trees, 90 neem trees, 3 Tamarind Trees, 110 coconut trees, 3 palam trees, 2 guava trees, 2 curry leaves, 25, 2 drumstick trees, maathi trees cow shed 20X15 feet built with hollow block stones and other structures and amenities etc., available in his lands and also to consider the loss of rental income and the actually available by following the procedure contemplated under 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 and also following the



procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

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:~

3. Following the above order, these Writ Petitions are also disposed of in the same terms. 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 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 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 petitioner, 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.



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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 petitioner submitted his objection. 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 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 petitioner submitted representation seeking enhancement of compensation. According to the petitioner, in his acquired lands, there is a house, shares in well and lots of trees were situated and as such, the value of the house, well 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 petitioner would submit that the house of the petitioner was 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 house 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 petitioner was duly received the compensation and



handed over the possession of the properties along with the house as early as on 08.07.2021.

9. However, suppressed the said fact and filed the present writ petition to consider his representations dated 01.11.2022. Admittedly, the petitioner is 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 petitioner is that the house was not properly valued and as such, the petitioner is 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 petitioner, 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, the writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

30.11.2022
($\frac{1}{2}$)

Index: Yes/No
Speaking Order: Yes
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M.DHANDAPANI,J.
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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,
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