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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.32148, 32152, 32157, 32161 & 32162 of 2022

and

W.M.P No.31569, 31574, 32157, 31589 & 31585 of 2022

Muniyammal	... Petitioner in W.P.No.32148 of 2022
Rani	... Petitioner in W.P.No.32152 of 2022
M.Sivaraj	 Petitioner in W.P.No.32157 of 2022
Murugesan	... Petitioner in W.P.No.32161 of 2022
Salammal	 Petitioner in W.P.No.32162 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 all the petitions

Prayer in W.P.No.32148 of 2022 : 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 2.8.2022 made by the petitioner by appointing a competent engineers/officials for assessing the value of the wel 30x30 feet depth 60 feet 17 big mango trees, 13 small mango trees, 50 neem trees, 2 tamarind trees, 1 palm trees, 6 seetha trees, 5 curry leave, 10 other water tank 10x10 structures and amenities etc. comprised in S. Nos. 236/2, New S. No. 236/2 measuring 6800 sq.mtrs. covered in patta No. 579 Velagalahalli Village, Palacode Taluk, Dharmapuri and enhance and pay appropriate compensation to the petitioner by re-considering the Award dated 20.1.2022 by strictly 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.

Prayer in W.P.No.32152 of 2022 : 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 18.02.2022 and 14.09.2022 made by the petitioner under Section 3G



(5) of the National Highways Act by appointing a competent engineers / officials for assessing the value of 53 mango trees and 80 drum sticks and other amenities available in land measuring 1636 and 68 in s.No.217/2B covered in Patta No.2415 Jittandahalli Village, Palacode Taluk Dharmapuri District and by reconsidering Award dated 7.1.2022 and 10.02.2022 passed by the Special District Revenue Officer-Land Acquisition National Highways-844 (Hosur-Ryakottai-Dharmapuri Section) and enhance the compensation in respect of his land measuring an 1636 & 68 sq. mtrs. Comprised in S.No.217/2B Mew S.No.217/2B1 covered in patta No.2415 Jittandahalli Village, Palacode Taluk, Dharmapuri District and the actually available by following the procedure contemplated under 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 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, 1996.

Prayer in W.P.No.32157 of 2022 : 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 2021 and 2022 made by the petitioner by appointing a competent engineers/officials for assessing the value of the well 30x30 feet depth 50 feet 20 big mango trees 100 small mango trees 90 neem trees 3 Tamarind trees 110 coconut trees 3 palm trees 2 guava trees 2 curry leaves 25 2 drum stick trees maathi trees cow shed 20x15 feet built with hallow block



stones and other structures and other amenities existing in his lands comprised in well 30x30 feet depth 50 feet 20 big mango trees 100 small mango trees 90 neem trees 3 Tamarind trees 110 coconut trees 3 palm trees 2 guava trees 2 curry leaves, 25,2 drum stick trees, maathi trees cow shed 20X15 feet built with hallow block stones and other structures and amenities etc. comprised in S. Nos. 235/3A, New S.No.235/4D, New S.No.235/4D1 measuring 2850 sq.mtrs. covered in patta No. 571 and S.No.235/4D, New S.No.235/4D1 measuring 3400 sq.mtrs. Covered in patta No.571, Velagalahalli Village, Palacode Taluk, Dharmapuri and enhance and pay appropriate compensation to the petitioner by re-condisering the Award dated 20.1.2022 and 25.02.2022 by strictly 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) and re-fix the compensation as per the provision of schedule I & II and section 26(1) a & b of the Central Act 30 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.

Prayer in W.P.No.32161 of 2022 : 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 27.12.2021 and 10.08.2022 made by the petitioner under Section 3G (5) of the National Highways Act by appointing a competent engineers / officials for assessing the value of Trip irrigation Pipe lines Herbal/nursery plants 10 years old planted seeding (natu) vegetables natu flowers paneer roses and trees natu with net and sun set protection sheet propose house



bashmet (Kadakal 22x40 feet land measuring 1905 and 295 in S.No.373/5A covered in patta No.2055 Jittandahalli village Palacode Taluk Dharmapuri District and by reconsidering Award dated 04.10.2021 and 18.7.2022 passed by the Special District Revenue Officer – Land Acquisition, National Highways – 844, (Hosur – Royakottai – Dharmapuri Section) and enhance the compensation in respect of his land measuring an extent of 1905 & 295 sq. mts. Comprised in S.No.373/5A, New S.No.373/5A2 covered in patta No.2055, and land measuring 73 and 306 sq. mtrs. Comprised in S.No.375/1, New S.No.375/1A covered in patta No.1029 and land measuring 79 sq. mtrs comprised in S.No.372/6 land measuring an extent of 1905 & 295 sq. mtrs. Comprised in S.No.373/5A New S.No.373/5A2 covered in Patta No.2055 and land measuring 73 and 306 sq.mtrs comprised in S.No.375/1, New S.No.375/1A covered in patta No.1029 and land measuring 79 sq. mts. Comprised in S.No.372/6, Jittandhalli 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 provision of schedule I & II and section 26(1) a & b of the Central Act 30 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.

Prayer in W.P.No.32162 of 2022 : 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 01.08.2022 made by the petitioner, by appointing a competent



engineers / officials for assessing the value of the open well 30X30 feet width 60 feet depth, 19 big mango trees, 27 small mango trees, 15 neem trees, 8 tamarind trees, 63 coconut trees, 3 palm trees, 3 pungai trees, 6 curry leaves, 2 drum stick trees, 2 maathi trees, 7 seetha trees and 20 other trees, structures and amenities etc., in S.No.236/1A, New S.No.236/1A measuring an extent of 4400 sq. mtrs. Covered in patta No.1010 Velagalhalli Village, Palacode Taluk, Dharmapuri and enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 20.01.2022 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 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 Petitioners : Mr.R.Ramesh Raja (For all the petitions)

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

COMMON ORDER

These writ petitions are filed to issue a Writ of Mandamus, to direct the second respondent to pass appropriate orders on the reference/representation made by the petitioners dated 14.09.2022,



18.02.2022, 02.08.2022, 27.12.2021, 10.08.2022 and 01.08.2022 to reconsider the Awards dated 07.01.2022, 10.02.2022, 20.01.2022, 04.10.2021, 18.07.2022 and 20.01.2022 respectively in respect of the respective petitioners- lands 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), and re-fix the compensation as per the provision of Section 26(1) a & b of the Central Act 30 of 2013 within the time frame to be fixed by this Court.

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.

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 petitioners submitted their objections. 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 petitioners 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 petitioners 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 petitioners 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 petitioners submitted the representations seeking enhancement of compensation. According to the petitioners, in their acquired lands, there are houses, shares in wells and lots of trees were situated and as such, the value of the houses, wells 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 petitioners would submit that the houses of the petitioners were 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 petitioners were 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 petitions to consider the petitioners' representations dated 14.09.2022, 18.02.2022, 02.08.2022, 27.12.2021, 10.08.2022 and 01.08.2022. Admittedly, the petitioners are 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 petitioners is that the house was not properly valued and as such, the petitioners are entitled for enhancing compensation. Therefore, it is appropriate to direct the second respondent to engage a competent valuer to value the houses of the petitioners 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 houses of the petitioners 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 houses of the petitioners 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 petitioners, 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 petitions are disposed of.

Consequently, connected Miscellaneous petitions are also closed. No costs.

30.11.2022
(2/2)

Index: Yes/No

Speaking Order: Yes

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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,
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.



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M.DHANDAPANI,J.
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W.P.No.32148, 32152, 32157,
32161 & 32162 of 2022

30.11.2022