



W.P.No.32438 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32438 of 2022

Srinivasan

...Petitioner

Vs.

1. The Secretary to Government,
Ministry of Road Transport & Highways,
Government of India,
National Highways Authority of India,
G5 & 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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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 05.07.2021 and 01.11.2022 made by the petitioner under Section 3G(5) of the National Highways Act, by reconsidering to reconsider the Award dated 03.04.2021 and 13.08.2021 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 1760 sq.mtrs. comprised in S.No.842/2, New S.No.842/2A, land measuring 1623 sq.mtrs. and 1857 sq.mtrs. comprised in 843/2B4, 843/2B4A, covered in Patta Nos.902 and 514, Erranahalli Village, Palacode Taluk, Dharmapuri District and also to assess the value of well, borewell and other amenities, trees etc. situated in the said land, by following the Section 26 to 30 procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & 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 Hon'ble 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.Su.Srinivasan, SC, for R1 & R4
: Mr.S.Balamurugan, GA, for R2 & R3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representations dated 05.07.2021 and 01.11.2022 in terms of Section 3G(5)



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of the National Highways Act, 1956 and enhance the compensation amount fixed in respect of the subject lands.

2. Mr.Su.Srinivasan, learned Standing Counsel takes notice for the 1st and 4th respondents and Mr.S.Balamurugan, learned Government Advocate takes notice for the 2nd and 3rd respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that his lands comprised in S.No.842/2, New S.No.842/2A and S.No.843/2B4, 843/2B4A, covered in Patta Nos.902 and 514, to an extent of 1760 sq.mtrs., 1623 sq.mtrs., and 1857 sq.mtrs., respectively, situated at Erranahalli Village, Dharmapuri District were acquired by the respondents under the National Highways Act, 1956, for the purpose of laying National Highways 844. Subsequently, the 3rd respondent passed two Awards dated 03.04.2021 and 13.08.2021, fixing the compensation amount of Rs.48,79,678/- and Rs.5,00,910/- respectively. Aggrieved by the compensation amount fixed, the petitioner made representations dated 05.07.2021 and 01.11.2022 before the 2nd respondent



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in terms of Section 3G(5) of the National Highways Act, 1956, seeking to enhance the compensation amount, and also to assess the value of the well, borewell, tress etc., situated in the said lands and re-fix the compensation amount, however, till date, no orders have been passed on the said representations. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representations dated 05.07.2021 and 01.11.2022 and enhance the compensation amount in respect of the subject lands, as expeditiously as possible.

5. On the above said contentions, heard learned counsel for the respective respondents and perused the materials available on record.

6. In view of the above submissions, this Court, without expressing any opinion on the merits of the case, issues direction to the 2nd respondent to consider the petitioner's representation dated 01.11.2022 in terms of Section 3G(5) of the National Highways Act, 1956 and pass appropriate



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orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above observations and directions, this Writ petition is disposed of. No costs.

01.12.2022

skt

Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Secretary to Government,
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Government of India,
National Highways Authority of India,
G5 & 6, Sector-10, Dwarka,
New Delhi-110 075.
2. The District Collector,
Collectorate Office,
Dharmapuri District, Dharmapuri – 15.
3. Competent Authority &

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Dharmapuri.

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M.DHANDAPANI, J.

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