



WEB COPY

W.P.No.3575 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

**W.P.No.3575 of 2023 &
W.M.P.No.3635 of 2023**

Suruttaiyan

... 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



Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the second respondent to pass appropriate orders on the reference/representations dated 06.12.2022 and 17.12.2022 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 constructed residential house. The house consist of one hall 10 x 12 feet, 2 bed rooms measuring 10 X 10 and 8 x 8 feet, 1 pooja room 8 x 8 feet, 1 kitchen 6 x 4 feet, Bath room 5 x 5 feet, in front of portico, compound wall 6 feet, grill gate, water tank and also having terrace with stairs, flower plants, cable and pipelines, Hall, kitchen, 2 bed rooms affixed mosaic, grill gate, portico affixed mosaic, pooja room affixed mosaic. It also consists of flower plant comprised in my land comprised in survey No.231/4A1, new survey No.231/4A1B, measuring 81.52 sq. mtrs., covered in patta No.989, Chudanur Village, Palacode Taluk, Dharmapuri District and also assessing the value of 2 roof thatched house 20 x 15 feet and 20 x 10 feet and other structures and amenities etc., in S.Nos.208/3C New S.No.208/3C, land measuring 13 sq. mtrs., covered in patta No.79, Jittandahalli Village, Palacode Taluk, Dharmapuri and by reconsidering Awards dated 10.11.2022 and 19.07.2022 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 and building comprised in survey No.231/4A1 new survey No.231/4A1B measuring 81.52 sq. mtrs., covered in patta No.989, Chudanur Village, Palacode Taluk, Dharmapuri District and in S.Nos.208/3C New



S.No.208/3C, land measuring 13 sq.mtr, covered in patta No.79, Jittandahalli Village, Palacode Taluk, Dharmapuri, and 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 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 Petitioner	: Mr.R.Ramesh Raja
For Respondent 1	: Mr.M.S.Niranjhan M/s.S.P.Arthi, Senior Panel Counsel
For Respondents 2 & 3	: Mr.Akila Rajendran, Government Advocate
For Respondent 4	: Manjunath Karthikeyan

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to consider the petitioner's reference/representations dated 06.12.2022 and 17.12.2022.



2. The grievance of the petitioner is that the constructed residential house in the acquired property has not been properly valued for the purpose of determination of enhanced compensation.

3. When the similar requests were made before the respondents which were not considered, a batch of writ petitions came to be filed in W.P.No.23689 of 2021 etc., batch and this Court vide its order dated 23.11.2021 has passed the following orders:

"10. The only grievance of the petitioners is that the houses were 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 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 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."

4. Learned counsel for the petitioner would submit that the aforesaid orders have been complied with by the respondents therein.

5. I see no reason to differ or deviate from the earlier orders of this Court and that, since the grievance of the petitioner is similar, he would also be entitled for similar orders. Accordingly, the second respondent is directed to engage a competent valuer to validate the petitioner's house in the subject property in New S.No. 231/4A1B measuring 81.52 sq. mtrs., covered in



patta No.989, Chudanur Village, Palacode Taluk, Dharmapuri District and after the receipt of the valuation report from the valuer, proceedings for enhancement shall be passed, within a time frame prescribed, under section 3G(5) of the National Highways Act.

6. It is made clear that after serving the valuation report to the petitioner, the house in the acquired land shall be demolished for formation of highways and such process shall be completed within a period of two weeks from the date of receipt of a copy of this Order.

7. With the aforesaid directions, this Writ Petition shall stand disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2023

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Index: Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes/No



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National Highways Authority of India,
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M.S.RAMESH, J.

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