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W.P.No.3580 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.3580 of 2023 &
W.M.P.No.3643 of 2023**

Ganesan

... 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 Arbitrator cum 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 claim/representations dated 30.08.2022, 23.11.2022 and 25.12.2022 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 cultivating standing crops, tomatoes, vegetable plant and flower plants in S.No.211/1C and lands in S.No.211/1D and S.No.211/2B and land in S.No.212/6B, land together with Bore Well 1200 feet, pipelines, coconut trees in S.No.211/1D, Round open well 23 x 23 breadth, 70 feet depth, 15 feet built with RR Stone with inside the Well, PVC pipe line 2000 feet in the land no measurement, Motor room 6 x 6 sq. feet concrete Building, 20 Plantain and other amenities in Jittandahalli Village, Palacode Taluk, Dharmapuri District and by reconsidering Award dated 18.10.2021, 19.07.2022 and 10.11.2022 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 land measuring 74 sq. mts., comprised in S.No.202/3 new S.No.202/3A covered in patta No.1607, land measuring 278 sq. mtrs. comprised in S.No.202/6, new S.No.202/6A covered in patta No.1608, my land measuring 30 sq. mtrs. comprised in S.No.212/6 new S.No.212/6B covered in patta No.518, land measuring 1073 sq. mtrs. comprised in S.No.211/1C new S.No.211/1C2 covered in patta No.2185, land measuring 727 sq. mtrs. comprised in patta No.211/1D new S.No.211/1D2 covered in patta No.518, land measuring 496 sq. mtrs. comprised in S.No.211/2 new



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S.No.211/2B covered in patta No.1614, land measuring 883 sq. mtrs. comprised in S.No.211/1D new S.No.211/1D2 covered in patta No.518, land measuring 523 sq. mtrs. comprised in S.No.211/2 new S.No.211/2B covered in patta No.1614, Jittandahalli Village, Palacode Taluk, Dharmapuri District, and actually available 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 grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated obtained from the Registration Department and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provisions 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 claim/representations dated 30.08.2022, 23.11.2022 and 25.12.2022.

2. The grievance of the petitioner is that the cultivating land 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 cultivating land in the subject property (a) measuring 74 sq. mtrs., comprised in S.No.202/3 new S.No.202/3A covered in patta No.1607, (b) measuring 278 sq. mtrs. comprised in S.No.202/6, new S.No.202/6A covered in patta No.1608, (c) land measuring 30 sq. mtrs. comprised in S.No.212/6 new S.No.212/6B covered in patta No.518, (d) land measuring 1073 sq. mtrs. comprised in S.No.211/1C new S.No.211/1C2 covered in patta No.2185, (e) land measuring 727 sq. mtrs. comprised in S.No.211/1D new S.No.211/1D2 covered in patta No.518, (f) land measuring 496 sq. mtrs. comprised in S.No.211/2 new S.No.211/2B covered in patta No.1614, (g) land measuring 883 sq. mtrs. comprised in S.No.211/1D new S.No.211/1D2 covered in patta No.518 and (f) land measuring 523 sq. mtrs. comprised in S.No.211/2 new S.No.211/2B covered in patta No.1614 situated at Jittandahalli 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 acquired land shall be used 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 direction, 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



To

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National Highways Authority of India,
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Dharmapuri District, Dharmapuri - 15.
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M.S.RAMESH, J.

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