



WEB COPY

W.P.Nos.28546 and 28552



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28546 and 28552 of 2023
and
W.M.P.Nos.28100 and 28103 of 2023

W.P.No.28546 of 2023

Eswaran

... Petitioner

Vs.

1.The Arbitrator cum District Collector,
Collector Office,
Dharmapuri District.

2.Competent Authority & Special District Revenue Officer -
Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to act upon the Petitioners claim Petition filed under section 3 G(5) of the National Highways Act 1956, dated on 16.6.2023 and to reconsider the award dated 12.4.2023 and to appoint the competent engineer to revalue the entire house, trees and other



structures etc., in the land and pay the compensation for entire house, trees, plants, cultivating standing crops, tomatoes, sugar canes and one family temple built with sheet and other structures and amenities etc., comprised in the above said survey Nos.202/5A, enhance the compensation for land measuring 318 Sq.mtr comprised in S.No. 202/5A Jittandahalli Village, Palacode Taluk, Dharmapuri District and the other amenities situated in the said land, survey Nos. by following the procedure contemplated under section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and section 17 of the Arbitration and Conciliation Act 1996.

W.P.No.28552 of 2023

Dhanalakshmi

... Petitioner

Vs.

1.The Arbitrator cum District Collector,
Collector Office,
Dharmapuri District.

2.Competent Authority & Special District Revenue Officer -
Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to act upon the Petitioners claim Petition filed under section 3 G(5) of the National Highways Act 1956, dated on 16.6.2023 and to reconsider the award dated 30.03.2022 passed by the Special District Revenue Officer- Land Acquisition, National Highways -844(Hosur- Royakottai- Dharmapuri Section) and to direct the authorities to appoint competent engineer and re- value the house, buildings, trees,etc., available in our lands and also direct the authorities to pay the compensation of the land comprised Survey No. 231/4A1B, measuring 872 Sq.feets, covered in Patta No. 989, Chudanur Village, Palacode Taluk, Dharmapuri District to petitioners and enhance the compensation for land together with house, trees and other structure available in the abve said S.Nos., and also consider the loss of monthly income from petitioner land and pay petitioner appropriate compensation by following the procedure contemplated under the Section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and section 17 of the Arbitration and Conciliation Act 1996.

For Petitioners	: Mr.R.Rameshraja (in both W.Ps)
For Respondents	: Mr.T.Arunkumar, Additional Government Pleader (in both W.Ps)



COMMON ORDER

The land belonging to the petitioners had been acquired for expansion of road project by the National Highways Authority of India. It is not in dispute between the parties that an award has already been passed and compensation has been determined by the original authority.

2. The learned counsel for the petitioners states that the petitioners are not satisfied with the valuation of the land fixed by the authorities, and thus, the petitioners preferred an appeal before the Arbitrator under Section 3-G (5) of the National Highways Act, 1956.

3. The learned counsel for the petitioners mainly contended that the valuation of the building possessed by the petitioners had not been properly conducted and it was undervalued and therefore, before demolition, revaluation is to be conducted and accordingly, compensation is to be determined.

4. The learned counsel for the petitioners states that in the batch of writ petitions, this court directed for revaluation of the buildings already acquired, in WP.No.27412 of 2021, etc., dated 22.12.2022.



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5. Since the appeal is pending, this Court is not inclined to adjudicate the issues on merits. However, the 1st respondent / Arbitrator cum District Collector, Dharmapuri District, is directed to consider and dispose of the appeal filed by the writ petitioner within a period of four (4) weeks from the date of receipt of a copy of this order and till such time, the building belonging to the petitioners need not be demolished.

6. Accordingly, the writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.09.2023

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Index : Yes

To

1. The Arbitrator cum District Collector,
Collector Office,
Dharmapuri District.

S.M.SUBRAMANIAM, J.



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W.P.Nos.28546 and 28552



skr

2.Competent Authority & Special District Revenue Officer -
Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri District.

W.P.Nos.28546 and 28552 of 2023

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