



WEB COPY

W.P.Nos.28527, 28533 and :



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.28527, 28533 and 28539 of 2023

and

W.M.P.Nos.28083, 28087 and 28092 of 2023

W.P.No.28527 of 2023

Govindan

... Petitioner

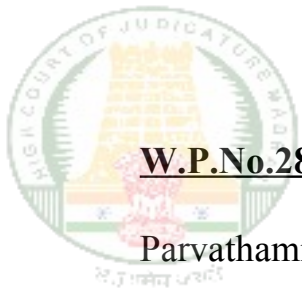
Vs.

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 3G(5) of the National Highways Act 1956 dated on 20/08/2023 and to reconsider the Award dated 20.04.2021 and to appoint a competent engineers to re value of the house measuring 35X45 feet and give the report to the petitioner and enhance the compensation two floor floor house measuring 35X45 feet, and other structures and amenities etc., in land measuring 527 sq. mts comprised in S.No. 375/2A Jittandahalli Village, Palacode Taluk, Dharmapuri District 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.



W.P.No.28533 of 2023

Parvathamma

... Petitioner

Vs.

WEB COPY

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

2.Competent Authority & Special District Revenue Officer -
Land Acquisition,
National Highways 948A, STRR,
Thenkanikottai Road,
Arul Vajaram Complex Dinnur,
Hosur, Krishnaigiri 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 3G(5) of the National Highways Act 1956 dated on 25/08/2023 and to reconsider the Award dated 13.6.2023 and 14.6.2013 and to appoint a competent engineers / officials for re value of house, bore well, trees and other structures comprised in land measuring 4546 Sq.mtrs, in S.No.759/ 112 and land measuring 100 Sq.mtrs, in S.No. 760/1A2, Moranapalli village, Hosur Taluk, Krishnagiri District and to give the report to the Petitioner and to enhance the compensation in respect of land in the above said S.Nos. along with trees, house and bore well and other structures and to pay the deducted amount of 33.33% and pay the compensation awarded for the above acquired lands as per the act and pay the compensation for petitioner future lose by following the procedure as per Section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act .

W.P.No.28539 of 2023

Shyاملal

... 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 Respondent to pass appropriate orders on the claim petition dated 15.9.2023 made by the petitioner, to reconsider the Awards dated 28.8.2023 and to appoint the competent engineer and to re-value the residential building and commercial shops and movable and immovable structures and other amenities available inland measuring 236 sq. mtrs, comprised in S.No. 895/1C2 (part) situated at Onalvaadi village, Hosur Taluk, Krishnagiri District as per Sec 29 of the above said Act and to Give the Valuation report to petitioner and to pay the compensation as per petitioner sale deed value which I have purchased in the year of 2016, and enhance the compensation in respect of acquiring land measuring 236 Sq.mtrs. comprised in S.No. 895/1C (part), situated at Onalvaadi Village, Hosur Taluk, Krishnagiri District, along with buildings 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.Rameshraj (in all W.Ps)

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader
(in all 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.

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

skr

Index : Yes

Speaking order

To

- 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.
- 3.Competent Authority & Special District Revenue Officer -
Land Acquisition,
National Highways 948A, STRR,
Thenkanikottai Road,
Arul Vajaram Complex Dinnur,
Hosur, Krishnaigiri District.



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S.M.SUBRAMANIAM, J.

skr

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