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W.P.Nos.28679, 28691, 28697, 28706 and 2871



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.28679, 28691, 28697, 28706 and 28711 of 2023**

**and**

**W.M.P.Nos.28228, 28245, 28259, 28269 and 28276 of 2023**

**W.P.No.28679 of 2023**

B.R.Sharadha

... Petitioner

Vs.

1.The Arbitrator cum District Collector,  
Collector Office,  
Krishnagiri 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 1<sup>st</sup> respondent to act upon the petitioner's claim petition filed under section 3G-5 of the National Highways Act, 1956, dated on 05.07.2023 and 08.09.2023 and to reconsider the Award dated



29.01.2021 and to appoint the competent engineer/ authorities to re value and fixation of value of the ACC roof shed, nursery with shade net, drip main lines, pvc pipes, trees, bore well and other structures and to give the valuation report to the petitioner and to enhance the compensation in respect of land measuring 5200 Sq.mtrs in S.No. 58 1B, land measuring 655 Sq.mtrs in S.No. 58/2A1, land measuring 140 Sq.mtrs in S.No. 58/3A2, land measuring 2422 Sq.mtrs in S.No.58/3B2, land measuring 250 Sq.mtrs in S.No. 58/3C1, land measuring 1286 Sq mtrs in S.No. 59/1A2, land measuring 26 Sq.mtrs in S.No. 59/1B1 Pattavarappalli Village, Hosur Taluk, Krishnagiri District and land together and other structures and amenities etc, and to direct the authorities to pay the compensation for shade net, Drip Main lines with overhead tank, coconut trees and other structure comprised in S.No.59/1A and pay the compensation for my future lose by following the procedure as per section 26 to 30 the 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.28691 of 2023**

Krishnan

... 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 1<sup>st</sup> respondent to act upon the petitioners claim petition filed under section 3G(5) of the National Highways Act 1956, dated on 27.07.2023 and to reconsider the Awards dated 18.10.2021, 02.02.2022 and 15.12.2022 passed by the 2nd respondent and to appoint the competent engineer and to re value the bore well, trees and movable and immovable structures and other amenities available in land measuring 181 sq.mtrs., comprised in survey No. 211/4B, land measuring 247 sq.mtrs. comprised in survey No. 211/4B, land measuring 66 sq.mtrs., comprised in survey No. 215/3A1A1, Gittandahalli Village, Palacode Taluk, Dharmapuri District as per sec 29 of the above said Act and to give the valuation report to me and direct to pay the compensation for 2 bore well and trees available in the above said survey Nos. enhance the compensation in respect of acquiring land along with structures in the above said S.No's, 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.28697 of 2023**

R.Rameshbabu

... 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 14.5.2023 made by the petitioner, to reconsider the Awards dated 3.10.2022 and to appoint the competent engineer to revalue the trees and pipe line in the land measuring 250 sq.mtrs. comprised in S.No.392/2B1, land measuring 1000 sq.mtrs. comprised in S.No.409/4E, land measuring 739 sq.mtrs. comprised in S.No.409/7A and give the valuation report to the petitioner and direct the respondent to pay the compensation for the well and trees acquired land and other structures in the above said S.No.409/7A and enhance the compensation in respect of the land along with structures in the above said S.Nos Thorapalli Agraharam Village Hosur Taluk, Krishnagiri 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.

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**W.P.No.28706 of 2023**

R.Suresh babu

... 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 respondents to pass appropriate orders on the claim petition dated 14.5.2023 made by the petitioner, to reconsider the Awards dated 3.10.2022 to appoint the competent engineer to revalue the well consist in S.No.410/13E and trees pipe in other S.Nos. and to give report to the petitioner and direct to pay the compensation for one well in round shape measuring 60x60 width and 50 depth and one karugal parapet wall measuring 20x20 feet available in S.No.410/13E and enhance the compensation in respect of my land, well, trees and other structures available in land measuring an extent of 346 sq.mtrs., comprised in S.No.409/6A, land measuring 2046 sq.mtrs.



comprised in S.No.410/9A, land measuring 1400 sq.mtrs. comprised in S.No.410/11C, land measuring 700 sq.mtrs., comprised in S.No.410/10G, land measuring 739 sq.mtrs., comprised in S.No.410/12A1, land measuring 483 sq.mtrs., comprised in S.No.410/12B1, land measuring 289 sq.mtrs., comprised in S.No.410/13B, land measuring 218 sq.mtrs., comprised in S.No.410/13D1, land measuring 53 sq.mtrs. comprised in S.No.410/13E1, land measuring 20 sq.mtrs comprised in S.No.410/13G1 Thorapalli Agraharam Village Hosur Taluk, Krishnagiri 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.28711 of 2023**

C.Madesh

... Petitioner

Vs.

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

2.Competent Authority & Special District Revenue Officer -  
Land Acquisition,  
National Highways 7, 46, 47, 66 & 844,  
Krishnagiri District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to act upon the petitioner's claim petition filed under section 3G(5) of the National Highways Act



1956, dated on 20 / 8 / 2023 and to reconsider the Awards dated 22.11.2021, 25.11.2021 and 06.09.2022 and to appoint the competent engineer to revalue the house , One Round open well, one net borewell available inside the well, bore well with chasing pipe, one mausoleum with granite stone pipe line, tree comprised in S.No.96/2J, tree 150 PVC pipe line comprised in S.No.96/2K, trees, 200 pvc pipe line drip irrigation and other structures comprised in Echanahalli Village, Denkanikottai Taluk Krishnagiri, and give the valuation report to the petitioner and enhance the compensation for land along with structures situated in the above said S.Nos 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 follow the Section 18 to 27 of the Arbitration and Conciliation Act 1996.

|                 |                                                                     |
|-----------------|---------------------------------------------------------------------|
| For Petitioners | : Mr.R.Rameshraj<br>(in all W.Ps)                                   |
| For Respondents | : Mr.T.Arunkumar,<br>Additional Government Pleader<br>(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.



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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 1<sup>st</sup> 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.

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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

Speaking order

To

1.The Arbitrator cum District Collector,  
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Land Acquisition,  
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Hosur, Krishnaigiri District.

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

**S.M.SUBRAMANIAM, J.**



W.P.Nos.28679, 28691, 28697, 28706 and 2871



skr

4. Competent Authority & Special District Revenue Officer -  
Land Acquisition,  
National Highways 7, 46, 47, 66 & 844,  
Krishnagiri District.

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