



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

S.Sree Kumari Amma	... Petitioner in W.P.(MD)No.877/2020
K.Chellapan Pillai	...Petitioner in W.P.(MD)No.9831/ 2020
Jeya	...Petitioner in W.P.(MD)No.9833/ 2020
C.Ponnamma	...Petitioner in W.P.(MD)No.10036/ 2020

Vs.

- 1.The District Collector,
Kanyakumari District Collectorate,
Nagercoil-629 001.
 - 2.The National Highways Authority of India (NHAI),
Represented by its Project Director,
Tirunelveli,
At Kanyakumari District.
 - 3.The Competent Authority and
Special District Revenue Officer,
(LA-NH), Tirunelveli District.
- ...Respondents in both petitions

PRAYER in W.P.(MD)No.8777 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

08.06.2020 by considering the value of the petitioner land in Re.Sy.No.689/9 of Vadasery Village in par with adjacent land value and to add multiplication of 1.25 and also to grant 100% solatium with 15% interest per annum.

COMMON PRAYER in W.P.(MD)No.9831 & 9833 of 2020: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to consider the appeals of the petitioners dated 05.06.2018 and the consequential reminder dated 30.07.2020 by reconsidering the value of the petitioner land in Re.Sy.No.545/9 and 545/8 respectively of Villukuri Village in par with adjacent land value and to all other monetary benefits under the relevant provision with 15% interest per annum.

COMMON PRAYER in W.P.(MD)No.10036 & 10037 of 2020: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to consider the appeals of the petitioners dated 31.08.2018 and 30.06.2018, respectively and the consequential reminder dated 10.07.2020 by reconsidering the value of the petitioner land in Re.Sy.No.689/1A1A of Vadasery Village in par with adjacent land value and to add multiplication of 1.25 and also to grant 100% solatium with 15% interest per annum.

For Petitioner : Mr.K.P.Narayanakumar
(in W.P.(MD)Nos.8777 & 10037 of 2020)

For Petitioner : Mr.A.Balakrishnan
(in W.P.(MD)Nos.9831, 9833 & 10036/ 2020)

For R1 and R3 : Mr.A.K.Manikkam
Special Government Pleader



WEB COPY



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

For R2

: Mr.Su.Srinivasan
Standing Counsel
(in all petitions)

COMMON ORDER

As the issue involved in all these writ petitions are one and the same, these writ petitions are taken up together, heard and disposed of by this common order.

2.These writ petitions have been filed for the issue of writ of mandamus directing the District Collector/first respondent to consider the appeals/representations submitted by the petitioners in all these writ petitions dated 05.06.2018, 30.06.2018, 31.08.2018 and 08.06.2020, respectively, to value the properties belonging to the petitioners and to pay the compensation to them.

3.The case of the petitioners is that their lands were acquired under the provisions of the National Highways Act, 1956 (hereinafter referred to as 'the Act' for the sake of brevity). The award was also passed by the competent authority in Award Nos.4, 2, 2, 4 and 4 of 2015 dated 31.08.2015, 13.08.2015, respectively. For better appreciation, the awards passed by the competent authority are tabulated hereunder:



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

S.No.	Writ Petition	Award No.	Date of award
1.	W.P.(MD)No.8777 of 2020	No.4 of 2015	31.08.2015
2.	W.P.(MD)No.9831 of 2020	No.2 of 2015	13.08.2015
3.	W.P.(MD)No.9833 of 2020	No.2 of 2015	13.08.2015
4.	W.P.(MD)No.10036 of 2020	No.4 of 2015	31.08.2015
5.	W.P.(MD)No.10037 of 2020	No.4 of 2015	31.08.2015

4.The petitioners aggrieved by the same submitted applications under Section 3(G)(5) of the Act seeking for enhancement /redetermination of the compensation amount. On considering the applications submitted by the petitioners, the matters were sent back to the competent authority to re-calculate the compensation amount in line with the guideline value as on 01.04.2012. For proper appreciation, the awards of the District Collector are tabulated hereunder:

S.No.	Writ Petition	Details of the Award	Date
1.	W.P.(MD)No.8777 of 2020	Roc.E3/22140/2015	31.07.2017
2.	W.P.(MD)No.9831 of 2020	No.E2/9598/2016	02.10.2016
3.	W.P.(MD)No.9833 of 2020	No.E2/9598/2016	01.10.2016
4.	W.P.(MD)No.10036 of 2020	Na.Ka.no. 03/22140/15	31.07.2017
5.	W.P.(MD)No.10037 of 2020	E3/2214012015	31.07.2014



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

5. In line with the above awards passed by the first respondent, the competent authority through proceedings dated 13.12.2017 recalculated the compensation amount. The petitioners were aggrieved by the compensation that was fixed by the competent authority and hence, they once again made appeals/representations before the first respondent seeking for redetermination of the compensation. Since the same were not considered, these writ petitions have been filed before this Court.

6. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

7. The issue that arises for consideration in these writ petitions is as to whether the appeals/representations given by the petitioners to the first respondent, namely, the District Collector/Arbitrator is maintainable and whether the same should be acted upon by the District Collector/arbitrator after an award has already been passed by the District Collector /arbitrator under Section 3(G)(5) of the Act.

8. On carefully going through the award that was passed by the District Collector, it is seen that a decision has been taken to calculate the



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

compensation in line with the guideline value as on 01.04.2012. The matters were sent back to the competent authority only to re-calculate the compensation amount as per the guideline value and to pay the proper compensation to the petitioners/claimants. If according to the petitioners, the guideline value has not been properly determined by the competent authority, that does not give a cause of action for the petitioners to once again file appeals before the District Collector/arbitrator.

9.Further, if according to the petitioners, there is a discrepancy in determining the guideline value, the representations should be given only before the competent authority and the petitioners will have to point out to the competent authority as to what was the guideline value as on 01.04.2012 and what has actually been fixed by the competent authority. If the competent authority finds that there is a discrepancy in that regard, he can always calculate the compensation in accordance with the correct guideline value as on 01.04.2012.

10.The claim made by the petitioners will have to necessarily confine only to this extent. The petitioners cannot be allowed to file one more appeal before the District Collector for redetermination of the compensation, since the



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

District Collector has already passed an award and the result of the award was that the compensation is payable to the petitioners in line with the guideline value as on 01.04.2012. If the petitioners wanted to redetermine the compensation and they were not satisfied with the award that was passed by the District Collector/Arbitrator, they should have filed applications under Section 34 of the Arbitration Act and proceeded further with their case. In the absence of any such applications filed by the petitioners, they cannot be allowed to seek for redetermination of compensation at this stage. Once the District Collector/arbitrator had already passed an award, he virtually becomes *functus officio* and there is no question of once again reviewing his own earlier award.

11.In light of the above discussions, all these writ petitions are disposed of with a direction to the petitioners to make a fresh representation before the third respondent namely, competent authority and give the particulars regarding the guideline value as on 01.04.2012 for their respective properties along with relevant materials. On receipt of the same, the third respondent shall see if there is any discrepancy in the guideline value that was determined by the third respondent while re-determining the compensation. In those cases, the third respondent can take note of the correct guideline value, determine the compensation after affording opportunity to the petitioners and



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

the Highways Authority and pay the difference of compensation, if any, to the petitioners with interest. On the other hand, if the second respondent comes to the conclusion that the compensation already determined is correct, the same shall also be informed to the petitioners. This exercise shall be completed by the third respondent within a period of three months from the date of receipt of a copy of this order. No costs.

19.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
ta

To

- 1.The District Collector,
Kanyakumari District Collectorate,
Nagercoil-629 001.
- 2.The National Highways Authority of India (NHAI),
Represented by its Project Director,
Tirunelveli,
At Kanyakumari District.
- 3.The Competent Authority and
Special District Revenue Officer,
(LA-NH), Tirunelveli District.



WEB COPY



W.P.(MD)Nos.8777, 9831, 9833, 10036 and 10037 of 2020

N.ANAND VENKATESH, J.

ta

W.P.(MD)Nos. 8777, 9831, 9833,
10036 and 10037 of 2020

19.10.2023