



WEB COPY



WP.Nos.12504 & 12510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12504 & 12510 of 2024
and W.M.P.No.13652 of 2024

Ramasamyreddy
Govindammal

.. Petitioner in W.P.No.12504 of 2024
.. Petitioner in W.P.No.12510 of 2024

Versus

1.The Arbitrator cum District Collector
Collectorate Office
Krishnagiri District

2.The Competent Authority/
The Special District Revenue Officer – Land Aquisition
National Highways, 844
(Hosur-Royakottai-Dharmapuri Section)
Krishnagiri District

3.The Project Director (NH 844)
National Highways Authority of India
PIU – Krishnagiri
259/1, Salem Main Road
Near KAKC Petrol Bunk
Krishnagiri District

.. Respondents in both WPs

Prayer in W.P.No.12504 of 2024: Writ Petition is filed under Article 226 of the Constitution of India praying 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 25.03.2024 and to reconsider the Awards dated 14.11.2023 and to appoint the competent engineer to revalue the bore well with casing pipe and samathi mandapam and other structure as per Section 29 of Central Act 2013 and to conduct the proper enquiry and direct



the authority to pay the compensation for structures in the acquired land and to enhance the compensation for structures in the acquired land and to enhance the compensation in respect of acquiring land measuring 947 sq.mtrs. Comprised in S.No. 283/2B2, Land measuring 382 and 132 sq.mtrs comprised in S.No. 288/2A2 and land measuring 3525 sq.mtrs comprised in S.No. 292/4B situated at Mathigiri Village, Hosur Taluk, Krishnagiri District by following the procedure contemplated under the Section 26 to 30 SCHEDULE I and II of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and to adduce the evidence as per Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

Prayer in W.P.No.12510 of 2024: Writ Petition is filed under Article 226 of the Constitution of India praying 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 13.02.2024 and to reconsider the Awards dated 15.3.2022, 26.9.2023 and 2.3.2022 and to appoint the competent engineer to revalue the entire building and fix the compensation for acquired damaged building measuring 31 feet breadth and 59 feet length in land measuring 55 sq.mtrs, comprised in Old S.No. 420/2B1B new S.No. 420/3 and to calculate and award compensation for expenses for constructing new building and shifting my business and to pay for loss of income and to enhance the compensation in respect of commercial building with in land measuring 55 sq.mtrs, comprised in Old S.No. 420/B1B new S.No. 420/3 land measuring 14.5 sq.mtrs, comprised in Old S.No. 420/2B1B New S.No. 420/5 and land measuring 141 Sq.mtrs. comprised in S.No. 473/3B papinikanahalli Village, Dharmapuri Taluk, Dharmapuri District, situated in the said land 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 Transparency in Land Acquisition, Rehabilitation and Settlement act 2013 and to grant adequate opportunity to the petitioner by furnishing copies of sale statistics of three years before notification in respect of the locality and revenue village in which the petitioners 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 provision of schedule I and II of the Central Act 30 of 2013 within the time frame to be fixed by and also adducing the evidence following the procedures contemplated under section 18 to 27 of the Arbitration and Conciliation, Act.



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In both WPs

For Petitioners : Mr.R.Rameshraj

For Respondents : Mr.U.Baranidharan for R1 & R2
Government Advocate
Mr.Su.Srinivas for R4

COMMON ORDER

Since the issue involved in this writ petition are one and the same, they are heard together and disposed of by way of this common order.

2. These writ petitions are filed for a direction to the 1st respondent/District Collector being the arbitrator in land acquisition matters to dispose of the appeal filed by the writ petitioners.

3. The petitioners submitted appeals on 25.03.2024 and 03.02.2024 respectively under Section 3G(5) of the National Highways Act 1956 before the first respondent, however, the same are pending without consideration. Hence, these writ petitions.

4. Heard both sides and perused the materials available on record.



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5. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

6. Considering the limited relief sought for in these writ petitions, the first respondent is directed to consider the appeal filed by the petitioners dated 25.03.2024 and 13.02.2024 respectively and pass appropriate orders by disposing of the petitioner's appeal on merits considering the provisions contained under the National Highways Act, 1956. Such exercise shall be completed within a period of two months from the date of receipt of copy of this order.

7. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

04.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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