



WEB COPY

W.P.Nos.18940 and 18944 of 2024
and W.M.P.Nos.20803 & 20806 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.18940 and 18944 of 2024
and W.M.P.Nos.20803 & 20806 of 2024

J.Sarvanan ... Petitioner
[in W.P.No.18940/2024]

M.Chinnaswamy ... Petitioner
[in W.P.No.18944/2024]

versus

1.The Arbitrator Cum District Collector,
Collectorate Office,
Krishnagiri District.

2.Competent Authority /
Special District Revenue Officer - Land Acquisition,
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 W.Ps.]



Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to act upon the petitioner's claim petition filed under Section 3G(5) of the National Highways Act 1956, dated 10.04.2024 & 10.06.2024 and to reconsider the Awards dated 14.11.2023 and 12.04.2024 and to appoint the competent engineer to revalue the building and structure as per Section 29 of Central Act 2013 and to conduct the proper enquiry and to pay for shifting charges, and to pay the compensation as per Schedule-II of the above said act and to enhance the compensation in respect of acquiring land measuring 83 sq.mtrs. comprised in S.No.26/7A1 and 52 sq.mtrs. comprised in S.No.33/27 along with residential building situated at Mathigiri Village, Hosur Taluk, Krishnagiri District by following the procedure contemplated under Section 26 to 30 Schedule I & 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 & Conciliation Act 1996, respectively.

For Petitioner	:	Mr.R.Ramesh Raja
[in both W.Ps.]		
For Respondent Nos.1 & 2	:	Mr.S.J.Mohamedh Sathik
[in both W.Ps.]		Government Advocate
For Respondent No.3	:	Mrs.S.R.Sumathy
[in both W.Ps.]		

COMMON ORDER

By consent of both sides, these Writ Petitions are disposed of at the stage of admission itself.



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2. These Writ Petitions are filed to direct the first respondent to consider the petitioners' claim petitions dated 10.06.2024 and to reconsider the Awards dated 14.11.2023 and 12.04.2024, by appointing the competent engineer to revalue the building and structure as per Section 29 of Central Act 2013 and to conduct the proper enquiry and to pay for shifting charges, and to pay the compensation as per Schedule-II of the above said Act and to enhance the compensation in respect of acquiring land measuring 83 sq.mtrs. comprised in S.No.26/7A1 and 52 sq.mtrs. comprised in S.No.33/27 along with residential building situated at Mathigiri Village, Hosur Taluk, Krishnagiri District, by following the procedure contemplated under Sections 26 to 30 Schedule I & 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 & Conciliation Act 1996, respectively.

3. Heard the learned counsel for the petitioners, learned Government Advocate for the respondents 1 & 2, learned counsel for the third respondent and perused the materials available on record.



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4. It is the grievance of the petitioners that their lands were acquired and awards have been passed by the second respondent dated 14.11.2023 and 12.04.2024 respectively. However, without considering the petitioners' objections and without properly valuing the residential building and other structures and amenities, the authorities have fixed very meagre amount of compensation. In this regard, the petitioners' made claim petitions dated 10.06.2024 to the first respondent. However, the same have not been considered by him. Hence, the present Writ Petitions.

5. In such view of the matter, the first respondent shall consider the petitioners' claim petitions dated 10.06.2024 and dispose of the same, by following the procedure contemplated under Sections 26 to 30 Schedule I & II of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and pass orders on its merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.



6. With the above direction, these Writ Petitions are disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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19.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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