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WP.No.36467 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36467 of 2024

Murugesan

Vs

...Petitioner

- 1.The Arbitrator-cum-District
Collector, Collectorate
Office, Krishnagiri District.
- 2.The Competent Authority/
Special District Revenue
Officer-Land Acquisition,
National Highways-844
(Hosur-Royakottai-Dharmapuri
Section), Krishnagiri District.
- 3.The Special Tahsildar (Land
Acquisition), National Highways-
844, (Hosur-Royakottai-Dharmapuri
Section), Hosur Taluk,
Krishnagiri District.
- 4.The Project Director (NH 844),
National Highways Authority of
India, PIU Krishnagiri, 259/1,
Salem Main Road, Near KAKC
Petrol Bunk, Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the 2nd respondent
Authority to determine the compensation and pass the supplementary



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award under Section 3G(1) of the National Highways Act, 1956 for the nursery, which was available in the petitioner's property at the time of issuance of Notification measuring an extent of about 856 sq.mts. in S.No.92/2A at Echanahalli Village, Denkanikottai Taluk, Krishnagiri District by disposing of the petitioner's representation dated 26.6.2023.

For Petitioner	:	Mr.R.Rameshraj
For R1 to R3	:	Mr.A.Selvendran, SGP
For R4	:	Mr.Su.Srinivasan, Standing Counsel

ORDER

The petitioner has approached this Court seeking a direction to the second respondent to consider his representation dated 26.6.2023 to determine the compensation and pass the supplementary award under Section 3G(1) of the National Highways Act, 1956 for the nursery, which was available in the petitioner's property measuring an extent of about 856 sq.mts. in S.No.92/2A at Echanahalli Village, Denkanikottai Taluk, Krishnagiri District.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader accepting notice for respondents 1 to 3



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and the learned Standing Counsel accepting notice for the fourth respondent.

3. The case of the petitioner is as follows :

(i) The petitioner is the owner of the lands measuring about 856 sq.meters in S.No.92/2A and 479 sq.meters in S.No.96/1A in Echanahalli Village, Denkanikottai Taluk, Krishnagiri District. The said lands were acquired by the second respondent for the purpose of implementing the National Highways Project 844. While fixing the compensation, the second respondent failed to consider the nursery that is available in the said lands. Further, ignoring the same, the compensation has been arrived. Thereafter, the petitioner made a representation to the first respondent, who is the sole Arbitrator as per the National Highways Act on 08.5.2023 and another representation to respondents 1 and 2 on 08.7.2023 and the third representation dated 26.6.2023 to the second respondent.

(ii) When the petitioner requested the first respondent to fix the value for the nursery, the first respondent directed the petitioner to approach the second respondent. The first respondent also directed the second respondent to pass a supplementary award with reference to the nursery. The second respondent also admitted the existence of a nursery in the subject lands and by proceedings dated 19.2.2024,



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forwarded a communication to the Assistant Director, Horticulture Department, Kelamangalam, Krishnagir District to determine the value of the nursery that was available in the subject lands. The second respondent, who is the Acquisitioning Body, has to therefore fix the compensation and pass a supplementary award for the aforesaid nursery as well. Since the said representation dated 26.6.2023 has not been considered, the writ petition has been filed.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. After hearing the petitioner and perusing the records, it is seen that the second respondent admitted that the nursery available in the subject lands has been omitted to be taken into consideration while fixing the compensation in respect of the subject lands. It is also seen that the first respondent also directed the second respondent to consider the existence of the nursery in the subject lands and pass orders. The second respondent, being the Acquisitioning Body, is bound to grant compensation in respect of the subject lands that have been acquired along with the usufructs thereon.



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6. Accordingly, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the said representation of the petitioner dated 26.6.2023 for fixing compensation and passing a supplementary award for the nursery that was available in the subject lands and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. No costs.

09.12.2024

To

- 1.The Arbitrator-cum-District
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Officer-Land Acquisition,
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RS



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