



W.P.Nos.35882, 35885, 35887, 35888,
35890, 35892, 35893 and 35895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.35882, 35885, 35887, 35888, 35890, 35892,
35893 and 35895 of 2023
and

W.M.P.Nos.35882, 35884, 35887, 35888, 35889 and 35892 of 2023

W.P.No.35882 of 2023

Ammasi

... Petitioner

versus

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

Pg.Nos.1/7



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Near KAKC Petrol Bunk,
Krishnagiri District.

.....Respondents

[3rd respondent impleaded as per order of this Court dated 11.01.2024 in W.M.P.Nos.883, 884, 886, 887, 888, 891, 893 & 894 of 2024 in W.P.Nos.35882, 35885, 35887, 35888, 35890, 35892, 35893 and 35895 of 2023]

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to act upon the petitioner's claim petition filed under Section 3G(5) of the National Highways Act, 1956 dated 7.09.2023 and to reconsider the Award dated 10.07.2023 and direct the authorities to pay the deduct 33.33% of the compensation amount, and to consider our rental income of Rs.5,000/- and monthly income Rs.25,000/- from one commercial shop from the acquired land in the above said S.Nos and to appoint the competent engineer to revalue the building along with commercial shop comprised in the above said survey No, and to give the report to petitioner and enhance the compensation for land along with structures in the above said survey No. Jittandahalli Village, Palacode Taluk, Dharmapuri District request to conduct the proper enquiry and enhance the compensation in respect of the petitioner land measuring 56 sq.mtrs comprised in S.No.212/12K Jittandahalli Village, Palacode Taluk, Dharmapuri District by following the procedure contemplated under Sections 26 to 30 Right to Fair



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Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central ACt 30 of 2013) and also following the Arbitration and Conciliation Act 1996.

For Petitioners : Mr.R.Rameshraja
in all Wps

For Respondents : Mr.R.Ramanlal
Additional Advocate General
assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 and R2

Mr.Su.Srinivasan
Standing Counsel for NHA
for R3

COMMON ORDER

The petitioners have filed the present writ petitions seeking for a writ of mandamus directing the first respondent to consider the petitioners' claim petitions filed under Section 3G(5) of the National Highways Act, 1956 dated 07.09.2023, 11.11.2023, 20.10.2023, 21.11.2023, 21.11.2023, 20.06.2023, 28.02.2022, 28.9.2023, 09.12.2021 and 20.04.2023 respectively and enhance the compensation in respect of the subject properties by following the procedure contemplated under Sections 26 to 30



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and also following the Arbitration and Conciliation Act, 1996.

2. The learned counsel for the petitioners submitted that the lands belonging to the respective petitioners had been acquired for expansion of road project by the National Highways Authority of India and separate Awards have already been passed and the compensation has been determined by the original authority. The petitioners herein are not satisfied with the valuation of the subject lands fixed by the authorities, and thus, they preferred the aforementioned claim petitions / appeals before the first respondent/Arbitrator under Section 3-G(5) of the National Highways Act, 1956.

3. Since these writ petitions are filed for Mandamus simplicitor, to direct the first respondent to dispose of the claim petitions / appeals of the petitioners, this Court, without expressing any view or opinion with regard to the merits of the case, directs the first respondent to consider and dispose



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of the appeals filed by the petitioners, after giving due opportunity of hearing to the petitioners as well as rival claimants/interested parties if any and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

4. With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

11.01.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

- 1.The Arbitrator cum District Collector,
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P.VELMURUGAN, J.

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35893 and 35895 of 2023**

11.01.2024

Pg.Nos.7/7