

WP No. 21106 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21106 of 2024

AND

WMP NO. 23038 OF 2024, WMP NO. 23037 OF 2024

1. M.Thangasami
S/o. Maruthai Udaiyar, No. 6/7,
Namallvar Street, Jagathambigai
Nagar, Padi, Chennai -600050.

Petitioner(s)

Vs

1. The Project Officer
NHAI Bangalore-chennai
Expressway, Sy.No. 13,14th
Km,Naga Sandra, Bengaluru-
tumkur Road(NH4), Bengaluru-
560 073.

2.The District Collector,
Ranipet District, Ranipet

3.The Competent Authority And
Special
District Revenue Office(LA),
National Highways, Bangalore-
chennai Expressway, Vellore
-632 009.

4.The Revenue Divisional
Officer,
Arokonam, Ranipet District.

Respondent(s)

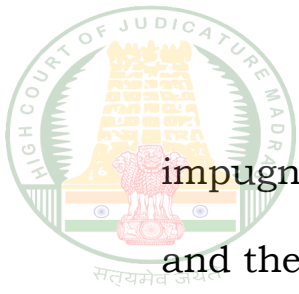
**PRAYER**

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Certiorari and Mandamus to call for the records relating to the Impugned order issued by the 3rd respondent in Na.Ka. No. A2/698/2022 dated 28.06.2024 and the subsequent impugned order issued by the 4th respondent in Na.Ka. No. Aa1/1858/2024 dated 09.07.2024 and to QUASH the same and consequently directing the respondents to pass supplementary Award in respect of missing out trees and actual extent of Well measuring to an extent of 1,480 sq.ft and 100 feet bore well with motor, based on the re-assessment report submitted by the Department of Agriculture, Department of Horticulture as well as the forest Department, at the initiation of 2nd and 3rd respondents, along with interest in delay in payment, within a time frame to be fixed by this Honble Court

For Petitioner(s): S.Nedunchezhiyan
For M/s. S.R. Sumathy For
Respondent(s): R1 Dt 13/08/2024
Mr.P.Sathish, Addl. Govt.
Pleader Takes Notice For
R2 To R4

ORDER

This writ petition has been filed challenging the



impugned proceedings of the 3rd respondent dated 28.06.2024 and the order passed by the 4th respondent dated 09.07.2024 and for a consequential direction to the respondents to pass supplementary award in respect of the left out trees and the well and also the bore well based on the reassessment report submitted by the Department of Agriculture and Department of Horticulture and the Forest Department.

2. When this writ petition came up for hearing on 14.02.2025, this Court passed the following order:-

Heard Mr.G.Sankaran, learned Senior Counsel for the petitioner and Mrs.S.R.Sumathy learned Standing Counsel for R1.

2.The petitioner had earlier filed W.P.No.30712 of 2023 and this writ petition was disposed of by an order dated 30.11.2023 and the relevant portions are extracted hereunder:

3. The learned Additional Government Pleader appearing for the first respondent submitted that the grievance of the petitioner is redressed and supplementary award was also passed. The petitioner can receive the



award amount, though he received the original award amount.

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4. Considering the facts and circumstances, the respondents are directed to consider and pass Award for the missing number of Sappota Trees and also Teak wood trees etc. If they have already calculated and passed the Award, the same shall be paid to the petitioner and the petitioner shall receive the same. If the petitioner has any grievance with the quantum, he can work out his remedy in the manner known to law.

3.The 1st respondent has filed a counter affidavit and the 1st respondent has taken a stand that the compensation claimed by the petitioner for the trees was already fixed and the total compensation is to the tune of Rs.88,90,766/- which includes 100% solatium. For proper appreciation, para 34 in the counter is extracted hereunder:

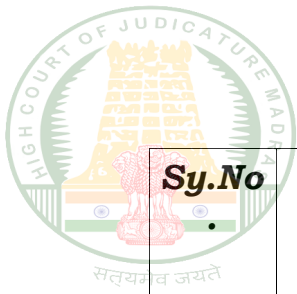
34.In reply to averments made in para 14 of the affidavit, it is humbly submitted that previously the petitioner had filed WP.30712 of 2023 before this Hon'ble Court praying to reassess the compensation by including the missing number of Sapota trees, Mango trees, Fig trees and Teakwood Trees, Structures, Fencing and also by rectifying the errors in calculation of the age and value of the trees which includes the Coconut trees and to provide appropriate compensation with interest to the petitioner. Hon'ble High Court vide its Order dated 30.11.2023 disposed the petition



directing the Respondents to pass the Award for missing no.of trees and if the award has already been passed, **the petitioner shall receive the compensation for the same.** It is humbly submitted that the Awards for various trees (190-Coconut, 179-Teakwood, 52-Eucalyptus, 135-Sapotta, 13-Mango, 5-Fig, 1-Neem, 1-Kodukapuli, 1-Nuna) in acquired lands have already been passed by the 3rd respondent. The details of compensation awarded for trees are as hereunder;

Sy.No.	Name of the landowner	Details of Trees	No.of trees	Total compensation paid to the petitioner including 100% solatium (in Rs.)
139/2	Thangasamy S/o.Maruthai Udayar	Coconut	42	6,72,000
		Eucalyptus	4	7,144
		Teakwood	40	90,738
		Sapotta	15	4,78,800
		Athi	3	66,150

Sy.No.	Name of the landowner	Details of Trees	No.of trees	Total compensation paid to the petitioner including 100% solatium (in Rs.)
		Coconut	84	13,44,000
		Eucalyptus	11	22,232



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Sy.No	Name of the landowner	Details of Trees	No.of trees	Total compensation paid to the petitioner including 100% solatium (in Rs.)
141/3 B2	Thangasamy S/o.Maruthai Udayar	Neem	1	42
		Mango	10	4,79,3
		Teakwood	61	2,02,424
		Teakwood	9	35,532
		Mango	3	1,89,000
		Sapotta	1	33,600
		Fig	2	44,100
		Sapotta	98	31,28,160
		Coconut	24	4,08,000
		Eucalyptus	26	15,516
		Kodukapuli	1	380
		Nuna	1	352
141/4	Thangasamy S/o.Maruthai Udyayar	Teakwood	26	89,254
		Sapotta	21	7,05,600
		Coconut	32	6,08,000
		Eucalyptus	11	5,180
		Teakwood	43	1,05,242
		Coconut	8	1,60,000
141/6 D	Thangasamy S/o.Maruthai Udyayar	Total Compensation for trees including 100% Solatium (190-Coconut, 179-Teakwood, 52-Eucalyptus, 135-Sapotta, 13-Mango, 5-Fig, 1-Neem, 1-Kodukapuli, 1-Nuna)		88,90,766
141/7 B	Thangasamy S/o.Maruthai Udyayar			



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4.If the compensation for the trees has already been determined, this Court made it clear even in the previous order that the petitioner must only workout the remedy in the manner known to law.

5.Mr.G.Sankaran, learned Senior Counsel seeks for sometime to take instructions on the stand taken by the 1st respondent at paragraph 34 of the affidavit.

6.Post this writ petition on 21.02.2025.

3. The writ petition was thereafter listed for hearing on 21.02.2025 and the following order came to be passed by this Court :-

Pursuant to the earlier order passed on 14.02.2025, the matter was listed for hearing today.

2.The learned Senior Counsel appearing on behalf of the petitioner submitted that apart from the original award dated 20.12.2017, there are four supplementary awards passed. The first supplementary award relates to the award of compensation for structures and open well. The second supplementary award relates to the award of compensation for teakwood. The third supplementary award relates to the compensation for sapotta trees, fig, mango trees not covered in the



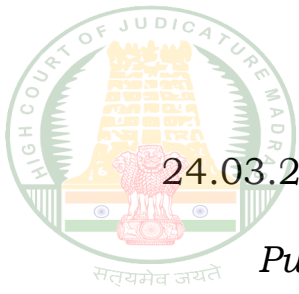
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original award and supplementary award No.4 relates to the sapotta, mango, fig trees which were left out to be counted.

3.In order to assess the correct age of the trees and for reassessment of the value of the trees, inspection was conducted by the agricultural, horticulture and forest department and they have submitted reports dated 12.06.2023, 23.06.2023 and 06.10.2023. These reports have not been taken into consideration and the impugned order proceeds as if the awards have already been passed based on the assessment reports and hence there is no ground for amendment or rectification of the award. The learned Senior Counsel submitted that there is absolutely no whisper about the orders that were passed by the District Collector followed by the reports that were submitted by the Department and all this does not form part of the original award either by way of an amendment or by way of a modification of the original award. To substantiate these submissions, additional typed set of papers has also been filed today along with relevant documents.

4.The learned Standing Counsel appearing on behalf of the national Highways Department seeks for sometime to take instructions in this regard and report before this Court. Post this writ petition under the caption 'part heard cases' on 10.03.2025.

4. The case was once again listed for hearing on



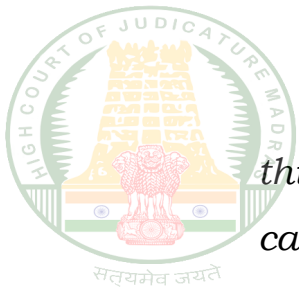
24.03.2025 and the following order was passed by this Court :-

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Pursuant to the earlier order passed by this Court on 21.02.2025, the National Highways Authority of India has filed a reply. In the reply, NHAI has taken a stand that supplementary awards have been passed, wherein the grievance expressed by the petitioner have been taken into account and the compensation amount has also been fixed. Therefore, it is contended that if at all the petitioner has any grievance, they can only agitate by way of filing an appeal before the District Collector under 3G(5) of the National Highways Act.

2. The learned Senior Counsel submitted that except for the original award, the copy of the supplementary awards have not been served to the petitioner and the petitioner is not aware as to the reasons given in the supplementary awards, while fixing the compensation. In other words, it is contended that the petitioner is not aware as to whether the grounds raised by the petitioner were considered while passing the supplementary awards.

3. This Court also wants to scrutinize the supplementary awards passed in this case. Hence, the Competent Authority who is represented by the learned Additional Government Pleader shall furnish the supplementary awards passed in this case by way of typed set of papers. A copy of the same shall be served on the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of NHAI. Post



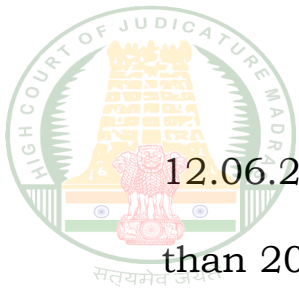
this writ petition under the same caption 'part heard cases' on 03.04.2025.

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5. This Court heard the learned Senior counsel appearing on behalf of the petitioner, the learned Additional Government pleader appearing on behalf of the respondents 2 to 4 and Mrs.S.R.Sumathy, learned Standing counsel appearing on behalf of the 1st respondent.

6. This Court carefully went through the supplementary awards that was filed as Additional typed set of papers by the 3rd respondent. For the purpose of this case, the supplementary award dated 28.12.2022 has some significance. While dealing with the Mango, Sapotta and Fig (Athi) trees, the total number of trees is shown as 126. As per the report of the Assistant Director of Horticulture Department dated 23.06.2023, the age of all these trees was assessed as 27 years. However, while determining the compensation, the age has been determined as 15 years for sapotta trees, 10 years for fig trees and 10 years for mango trees.

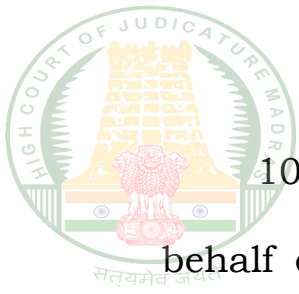
7. There are admittedly 190 coconut trees and as per the report of the Joint Commissioner of Agriculture dated



12.06.2023, the age of the coconut trees was assessed as more than 20 years. Out of the 190 trees, 10 trees were found not to be yielding coconuts and the balance 180 trees were yielding coconuts.

8. The grievance of the petitioner is that while assessing the compensation for the coconut trees, the age of the coconut trees was not properly determined and as a result, a lesser compensation was awarded. In view of the same, the compensation that was determined for the mango trees, sapotta trees, fig trees and coconut trees, requires redetermination.

9. The learned Senior counsel appearing on behalf of the petitioner also brought to the notice of this Court the supplementary award dated 07.11.2023 which was passed for the remaining 27 trees containing sappota trees, mango trees and fig trees. While determining the compensation, the age of all these trees was properly determined as 27 years and therefore, the same age should have been applied while passing the award dated 20.12.2017.



10. Per contra, the learned standing counsel appearing on behalf of the 1st respondent submitted that the petitioner had previously filed WP No.30712 of 2023 to reassess the compensation by including the missing trees and also for rectifying the error while calculating the age of the trees. This writ petition was disposed of by an order dated 30.11.2023 directing the respondents to pass award for the trees which were not considered and missed out. Insofar as the trees for which already the compensation was fixed, the petitioner was directed to receive the compensation and if aggrieved was directed to work out his remedy. Accordingly, the compensation that was fixed for the trees was dealt with at Para 34 of the counter affidavit filed by the 1st respondent and if the petitioner is aggrieved by such compensation fixed, he can only agitate it by way of filing an appeal before the District Collector and the petitioner cannot seek for redetermination of the compensation. The learned Standing counsel further submitted that the compensation amount has been fixed and the petitioner has refused to receive the balance compensation amount for reasons best known to him. It was further submitted that the petitioner instead of working out his remedy before the District Collector, is once



again approaching the competent authority to redetermine the compensation and the said redetermination cannot be made since the 3rd respondent has become *functus officio*.

11. The entire dispute in this case is in a very narrow compass. The grievance of the petitioner is that the age of the mango trees, sappota trees, fig trees and coconut trees was not properly taken into consideration and a lesser compensation has been fixed. The age of the trees has been determined by the report submitted by the Joint Director of Agriculture and the Assistant Director of Horticulture Department and inspite of the same, the same has not been taken into consideration and a supplementary award has not been passed. To support this submission, the learned Senior counsel relied upon the supplementary award dated 07.11.2023 wherein the age of the trees was properly determined and compensation was fixed.

12. When this Court passed the earlier order in WP No.30712 of 2023, direction was given to the authority to pass an award for the missing sappota trees, teak wood trees etc., If the award has already been calculated and passed, the amount



was directed to be paid to the petitioner and if the petitioner has any grievance with the quantum, he was directed to be work out his remedy in the manner known to law.

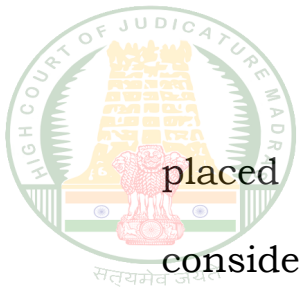
13. The petitioner does not have any grievance with respect to the compensation that was fixed for the left out trees through a supplementary award dated 07.11.2023. The grievance of the petitioner now confines only to the other trees and according to the petitioner, the age of those trees was not properly determined while passing the award.

14. In the considered view of this Court, the award has already been passed by the Special Tahsildar/ competent authority in the year 2019 itself. Probably while passing that award, the authority did not property consider the age of the trees. For this purpose, the reports that were submitted by the Joint Director of Agriculture and the Assistant Director of Horticulture was relied upon. These were reports which were made available and was relied upon while passing the supplementary award dated 07.11.2023. Even when the earlier writ petition was filed, the petitioner had raised a grievance



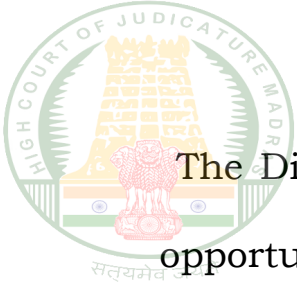
regarding the error in the calculation of the age and the value of the trees. On considering the same, the learned Single Judge of this Court had only issued a direction for passing an award for the trees that were missed out. Insofar as the other grievance expressed by the petitioner, this Court directed the petitioner to work out his remedy in the manner known to law.

15. If this Court directs the competent authority to re-determine the compensation based on the age of the trees at this length of time, it will virtually result in re-opening the earlier order that was passed by this Court in WP No.30712 of 2023 dated 30.11.2023. This Court has already given liberty to the petitioner to work out his remedy in accordance with law on the grievance regarding fixing lesser compensation with respect to the trees, whose age was not properly determined. Therefore, it is not as if the petitioner is left with no other remedy to seek for proper determination of compensation for the trees. This exercise can always be undertaken even before the District Collector if an appeal is filed under Section 3 (G) (5) of the National High Ways Act. Hence, if such an appeal is filed before the District Collector, the report that was submitted by the Joint Director of Agriculture, Assistant Director of Horticulture can always be



placed before the District Collector, who can take that into consideration while deciding the issue regarding enhancement of compensation sought for by the petitioner. The award has been passed in the year 2017 itself and at this length of time, this Court is not inclined to send the matter back to the competent authority, to once again determine the compensation.

16. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to receive the compensation that has already been determined and deposited. The petitioner shall file an appeal before the 2nd respondent viz. The District Collector, Ranipet, within a period of four weeks from the date of receipt of a copy of this order. While filing the appeal, the petitioner can raise all the grounds raised in the present writ petition with respect to the age of the trees as was determined by the Joint Director of Agriculture and Assistant Director of Horticulture Department. The same will be taken into consideration by the District Collector while passing the final order under Section 3(G) (5) of the National Highways Act. Accordingly, the grievance expressed by the petitioner can be redressed before the District Collector.



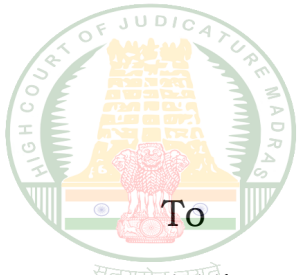
The District Collector on receipt of the same, after affording an opportunity to the petitioner and the National Highways Authority of India, shall pass final orders within a period of three months thereafter.

17. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

08-04-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



To

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