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W.P.Nos.27903 & 27474 of 2019
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.27903 & 27474 of 2019

K.Raju Petitioner in
W.P.No.27903 of 2019

Janaki Petitioner in
W.P.No.27474 of 2019

Vs

1.Competent Authority and
Special District Revenue Officer,
Highways No.68 (Land Acquisition),
No.3B/8, Ram Nagar Road,
Swarnapuri 2nd Gate, Salem – 636 004.
and presently at
Special DRO (LA), Salem-Chennai
Green field Corridor Project,
NH 179A & 68, Salem,
Room No.414, IV Floor,
Collector Office Building,
Salem - 636 001.

2.Project Director (NHAI),
Door No.213-3/D3-1,
Sri Nagar Colony,
Narasothipatti,
Salem – 636 004.

3.Chairman (NHAI),
G5-6, Sector Dwaraka,
New Delhi – 110 075.

.... Respondents in both W.Ps



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Common Prayer : Writ Petitions filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to pay the compensation of the building, well, trees etc, as per the assurance given by the first respondent by its proceedings under Ref.ROC.76763/2005 dated 30.10.2008 as also proportionate Solatium, Additional compensation and interest.

For Petitioners (in both W.Ps) : Mr.P.B.Sampathkumar
For R1 (in both W.Ps) : Mr.N.Naveen Kumar
Government Advocate
For R2 & R3
(in both W.Ps) : Mr.Su.Srinivasan

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the respondents to pay compensation for the building, well, trees, etc. and proportionate solatium and additional compensation with interest, as per the proceedings of the first respondent dated 30.10.2008.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioners' lands were acquired by the respondent for the purpose of laying a four lane road. Even prior to the issuance of the notification under Section 3D of the National Highways Act, the lands were acquired and also the buildings and trees were removed from the



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subject land. Though the petitioners were paid compensation for the subject lands, they were not paid compensation for superstructures, wells, trees and etc. Therefore, the petitioners repeatedly submitted representations. Though the said representations were taken on file and the reports were called for from the second and third respondents, the same were not considered. Hence, the petitioners have filed the present writ petitions.

4.A perusal of the counter affidavit filed by the second and third respondents and the submissions made by the learned counsel appearing for the second and third respondents reveals that the land, comprised in Survey No.167/1A2, measuring an extent of 2516 sq.mts and another extent of 484 sq.mt., situated at Dadagapatty Village, Salem District, was acquired from the petitioners for the purpose of formation of a four lane National Highway (NH-68), Salem to Ulundurpet from Km 0/313 to Km136/670 in Salem District

5.The notification under Section 3A(1) of the National Highways Act, 1956 was published in the Government of India Gazette, No.617, Part II, Section 3, Sub Section (ii) and S.O.No.1094 (E) dated 06.05.2008. Subsequently, a notification under Section 3A(1) Notification was also issued in respect of additional interest and

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W.P.Nos.27903 & 27474 of 2019 published in the Gazette dated 03.09.2009. After acquisition of the land, an award was passed in the name of the petitioner in W.P.No.27903 of 2019 and in the name of the husband of the petitioner in W.P.No.27474 of 2019. Thereafter, the notification under Section 3D(1) was published in the Gazette of India dated 04.05.2009, thereby calling upon all the persons interested in the lands proposed to be acquired to appear either in person or through an agent or by a legal practitioner before the Competent Authority and Special District Revenue Officer (LA), NH-68, Salem, on 11.06.2009 and 14.07.2010, to raise their objections. However, no objections were received.

6.Further, at the time of fixation of the land value, all the previous documents were taken into consideration and the first respondent fixed the land value at Rs.700/- per sq.ft. Accordingly, in respect of the lands, which were acquired from the petitioners, an award was passed in ROC No.237/09 (NH-68) dated 11.08.2010, in respect of the land admeasuring 2516 sq.mts comprised in Survey No.167/1A2, Dadagapatty Village, Salem District. The value of the superstructure was fixed at Rs.30,28,386/- and the value of the well and trees was fixed at Rs.76,018/-. Accordingly, the following award was passed in respect of the petitioners' land, superstructure, well and trees :



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Award dated	01.10.2010	01.06.2011	02.03.2012	Total amount
Sy.No.	167/1A2	167/1A2	167/1A2	
Sq.meter	242	-	-	-
Land Value	18,22,502/-	0	0	18,22,502/-
Structure Value	0	63,088/-	0	63,088/-
Well & Tree Value	0	0	30,490/-	30,490/-
Total	18,22,502/-	63,088/-	30,490/-	19,16,080/-
Add 10%	1,82,250/-	6,309/-	3,049/-	1,91,608/-
Total Compensation	20,04,752/-	69,397/-	33,539/-	21,07,688/-

7. Thereafter, the petitioners approached the Arbitrator/District Collector seeking enhancement of the award amount. On consideration, The Arbitrator passed an award as follows :

“In respect of land : The land value has been fixed at market value of Rs.700/- per sq.ft. or Rs.7531/- per sq.mt several times more than the guideline value of land at the time of acquisition. The Arbitrator and District Collector mentioned that the Guideline Value of the land was Rs.72/- per sq.ft. only but Rs.700/- per sq.ft. has been awarded by the 1st respondent/CALA. Under the circumstances, there is no need to sanction higher compensation and hence the Arbitration petition has been rejected in her well-reasoned order dated 21.06.2019.

In respect of structures : The Executive Engineer, PWD, Salem has reported to the Arbitrator/District Collector that the Engineer, PWD along with VAO inspected the land on 02.08.2018 and has observed that the road has already been formed in the land acquired and further has stated that the valuation of structures estimated the private valuer has already been verified by the PWD authorities and accordingly the compensation has been paid to the petitioner. Hence



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there is no scope under the rules to enhance the compensation for the structures as requested by the petitioner. On the basis of the report of the technical officers the Arbitrator/District Collector has rejected the request of the petitioner for enhancement of value of structures through a speaking order dated 21.06.2019.

In respect of trees : *The officer of the Joint Director of Agriculture, the Deputy Director of Horticulture and the District Forest Officer, Salem have inspected the land and have reported that the trees had already been cut and removed and hence the value of trees could not be accessed at this stage. They have also reported that the value of trees fixed at the time of acquisition of trees.*

In respect of Solatium etc : *There is no provision to sanction 12% additional market value and 30% Solatium in the NH Act, 1956 and hence the request is rejected."*

8. Therefore, the petitioners were duly paid compensation in respect of the land, superstructure, well, trees and etc. Therefore, the contention raised by the petitioners that they were not paid compensation for the superstructure, well, trees and etc cannot be countenanced. Merely because the petitioners made repeated representation and on receipt of the same, a report was called for, it cannot be construed that the petitioners' claim was accepted by this Court.

9. In view of the foregoing reasons, the relief sought for in these writ petitions cannot be granted. Accordingly, the writ petitions are



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devoid of merits and are liable to be dismissed. Hence, both the writ petitions stand dismissed. No costs.

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Internet: Yes
Index : Yes/No
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To

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