

W.P. Nos.22883 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 29.07.2025

Order pronounced on: 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.22883 of 2025

and

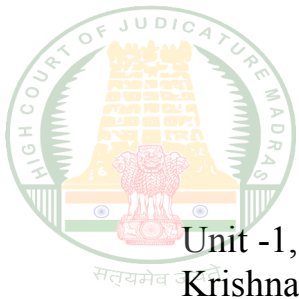
W.M.P.Nos.25714, 25716, 25718 and 25719 of 2025

J.Saravanan

Petitioner

Vs.

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.
4. The Special Tahsildar,
Land Acquisition,
National Highways,



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Unit -1, Hosur,
Krishnagiri District.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned letter communication dated 17.06.2025 in Na.Ka.No.13/2019/A2 by the 4th respondent and quash the same.

For Petitioner(s) : Mrs.Dhakshayani Reddy,
Senior Counsel for
Mr.R.Ramesh Raja

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1, R2 and R4

Mrs.S.R.Sumathy,
Standing Counsel for R3

ORDER

The present writ petition is filed challenging the communication dated 17.06.2025, whereby it was informed/intimated the petitioner's property shall be vacated and possession taken by the National Highway Authorities for the purposes of construction, development and maintenance of National Highways 7, 46, 47, 66 and 844, Hosur-Royakottai-Dharmapuri Section, on the premise that the compensation determined under Section 3G of National Highway Act, 1956, is yet to be deposited and paid in the manner provided under the National



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Highways Act, 1956.

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2. Learned counsel for the petitioner would submit that petitioner is the owner of the land measuring 150 sq.meters, comprised in Survey No.26/7A1 situated at Mathigiri Village, Hosur Taluk, Krishnagiri District. Learned counsel for petitioner would submit that petitioner has a residential building in the said premises and is in peaceful possession and enjoyment of the same.

3. Learned counsel for petitioner would submit that the above property was sought to be acquired for the purpose of laying National Highways in 7, 46, 47, 66 and 844 and a Notification came to be issued under Section 3A-(1) of the National Highways Act vide Notification dated 13.09.2018. Learned counsel for petitioner would submit that petitioner submitted an objection to the proposed acquisition. A notification under Section 3-D(1) of National Highways Act, dated 07.01.2019 was issued containing declaration of acquisition.

4. Petitioner would submit that they had submitted material to show the prevailing market value before the competent authority for the purpose of determining the amount payable as compensation under Section 3G-(1) of National Highways Act, 1956, by the competent authority. Learned counsel for



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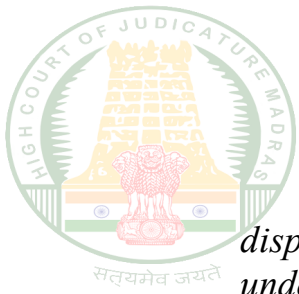
petitioner would further submit that an Award was passed by the 2nd respondent

herein i.e., Special DRO dated 14.11.2023 and 07.06.2024, wherein compensation for the subject land was fixed at Rs.61,88,204/- and 14,45,454/-.

5. Aggrieved by the fact that the Award has been made without taking into account the material submitted by the petitioner, relevant for determining the compensation payable under National Highways Act, 1956, petitioner submitted a representation dated 10.04.2024, for reconsidering the compensation determined vide Award dated 14.11.2023. Thereafter a writ petition in W.P.Nos.18940 of 2024 was filed seeking enhancement of compensation in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The above writ petition came to be disposed of vide order dated 19.07.2024.

“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



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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. Pursuant to the above order of this Court, 1st respondent vide order dated 21.05.2025 enhanced the compensation by a further sum of Rs.12,23,572/-. It is submitted by the learned counsel for petitioner that the order dated 21.05.2025 cannot be sustained inasmuch as the valuation report on the basis of which the said order came to be passed was not furnished to the petitioner. The learned counsel for the petitioner placed reliance on order of this Court in W.P.No.27412 of 2021, wherein in a writ petition filed by other land owners covered under the same acquisition proceedings, it was observed that buildings can be demolished only after serving the valuation report. The relevant portion is extracted here under :

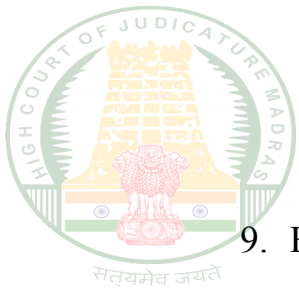
“11. It is made clear that, after serving the valuation report to the petitioners, the houses shall be demolished for formation of road. Further, the second respondent is directed to complete the said process, within a period of two weeks from the date of receipt of a copy of this order and pass orders on the enhancement of compensation within a period of four weeks thereafter.”



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7. It was also submitted that the enhanced amount was not deposited to the petitioner's account till date. While so, the impugned proceedings came to be issued stating that the premises would be cleared/demolished and that the authorities propose to proceed with formation of NH road.

8. On the other hand learned counsel for the respondent would submit that the petitioner has received a sum of Rs.61,88,204/- and 14,45,454/- from the 2nd respondent through Boomi Rasi Portal on 14.11.2023 and 07.06.2024. Aggrieved by the same petitioner challenged the Award under Section 3G-5 of National Highways Act, 1956, pursuant to which an Arbitral Award was passed on 21.05.2025. It is further submitted that if the petitioner is aggrieved in any manner, the appropriate remedy would be to file an Arbitration O.P., before the appropriate forum and would thus submit that the writ petition ought not to be entertained. It is contended that upon receipt of compensation if the erstwhile land owner continue to remain in possession he would be considered as encroacher/trespasser. Petitioner after having received compensation ought to vacate and hand over possession. In any view it was submitted by the learned counsel for 3rd respondent that possession is taken by 3rd respondent.



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9. Having considered both sides, this Court is of the view that the enhanced compensation must be paid to the petitioner in terms of Section 3-H of National Highways Act, 1956, within a period of two weeks from the date of uploading of this order. Agreed to by the learned counsel for respondents. Enhanced compensation, if paid directly to petitioner, the same shall be paid within a period of three weeks from the date of uploading of this order without waiting for the receipt of certified copy. If for any reason respondents find it is appropriate to deposit in Court, such deposit shall be done within a period of three weeks from the date of uploading of this order without waiting for receipt of certified copy. If so deposited in Court, it is open to the petitioner to move appropriate application for withdrawal of enhanced compensation. It is open to the aggrieved party to work out their remedy in accordance with law including the manner provided under National Highways Act, 1956.

10. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

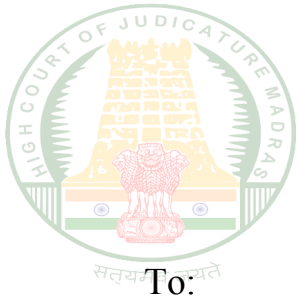
27.10.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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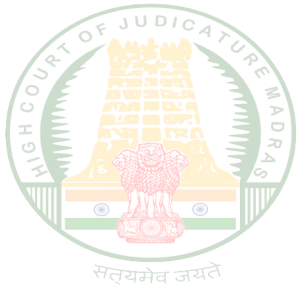


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MOHAMMED SHAFFIQ, J.

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