

W.P.(MD)No.9139 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 16.02.2026

Pronounced on : 24.02.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.9139 of 2025

Joseph Ligorì

... Petitioner(s)

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Competent Authority And
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.

3. The Project Director Cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram,
Nagercoil - 629003,
Kanyakumari District.

... Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, after calling for the records pertaining to the passing of the order dated 09.01.2025 in proceedings Na.Ka.No.U2/E-26829/2018 on the file of the 1st respondent and quash the same and consequently direct the first



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respondent to pass an award as per Section 31(1) of Act 30/2013 for all the entitlement for as per Schedule - I and II to the petitioner.

For Petitioner :Mr.G.Justin

For Respondents :Mr.B.Ramanathan
Addl. Government Pleader for R1 & R2
Mr.Su.Srinivasan
Standing Counsel for NHA for R3

ORDER

This writ petition has been filed challenging the order dated 09.01.2025 passed by the first respondent refusing rehabilitation and resettlement under Section 31(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (hereinafter referred to as the "RFCTLARR Act") and consequently, to direct the first respondent to pass an award as per Section 31(1) of the RFCTLARR Act for all the entitlement for as per Schedule - I and II, to the petitioner.

2. The petitioner's land, measuring 1125 sq. meters in Survey No. 101/12B at Eranial Village, Kalkulam Taluk, Kanyakumari District, was acquired for NH – 47. Based on the entitlement, a total amount of Rs. 33,97,028/- was granted as compensation under an arbitral award by the Collector after the petitioner applied against the compensation granted by the Authorised Officer and the Special District Revenue Officer (Land



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Acquisition). Thereafter, the petitioner submitted an application dated 27.04.2024 to the first respondent/District Collector, claiming rehabilitation and resettlement compensation. In the said application, the petitioner provided details of the provisions under which they were entitled to compensation under Schedule II. Specifically, the petitioner sought compensation on the following grounds:

S.No. Of the Second Schedule	Entitlement/Provision	Entitled Amount
(1) Provision of housing units in case of displacement	(2) One – time financial assistance for house construction	Not less than Rs.1,50,000/- (One Lakh fifty thousand rupees)
(4) Choice of Annuity	(b) Onetime payment	Rs.5,00,000/- (Five Lakhs Rupees)
Subsistence grant for	Monthly subsistence allowance for a period of one year	Equivalent to Rs.3000/- per month for a period of one year from the date of award amounting Rs.36,000/-
(6) Transportation cost for displaced families	For shifting the family and building materials	Rs.50,000/- (Fifty Thousand Rupees)
(7) Cattle shed/Pretty shops cost	One time financial assistance for construction of cattle shed	Minimum of Rs.25,000/- (Twenty Five Thousand Rupees)
(10) One-time Resettlement allowance	Re-settlement allowance	Rs.50,000/- (Fifty Thousand Rupees)

3. In reply to the representation dated 27.04.2024, the following finding was given by the respondents:

“நிலம் கையகப்படுத்துதலில் நியாயமான சரியீடு



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மற்றும் ஒளிவு மறைவின்மை. மறுவாழ்வு மற்றும் மறுகுடியமர்வு உரிமைச் சட்டம், 2013 பிரிவு 31(1)-ன்படி மனுதாரர் மனு பரிசீலனை செய்யப்பட்டதில் மேற்படி சட்டத்தின் படி மனுதாரருக்கு சிறப்பு மாவட்ட வருவாய் அலுவலர் அவர்களால் விதிமுறைகளைப் பின்பற்றி தீர்வாணம் பிறப்பிக்கப்பட்டு ரூ.17,58,532/- இழப்பீடு வழங்கப்பட்டுள்ளது. மேலும் மனுதார் மாவட்ட ஆட்சியர்;/இசைவு தீர்வாயர் அவர்களுக்கு மேல் முறையீடு மனு செய்து 17/4 புல எண்ணிற்கு 442 ச.மீட்டர் மற்றும் 160 ச.மீட்டருக்கு மொத்தம் ரூ.33,97,028/- கூடுதல் இழப்பீடு வழங்கப்பட்டுள்ளது. ஆக மொத்தம் ரூ.51,55,560/- வழங்கப்பட்டுள்ளது. எனவே, மனுதாரரிடம் நிலம் கையகப்படுத்தப்பட்டதற்கு போதுமான இழப்பீடு வழங்கப்பட்டுள்ளது என முடிவு செய்தும் தேசிய நெடுஞ்சாலை போன்ற நீண்ட திட்டங்களுக்கு (Linear Project) நிலமெடுப்பு செய்யப்படும் போது மேற்படி இழப்பீட்டை தவிர வேறு வகையில் இழப்பீடு வழங்க வழிவகையில்லை என்பதால் மனுதாரரின் கோரிக்கையை நிராகரித்து இதன் மூலம் உத்தரவு பிறப்பிக்கப்படுகிறது.□

English version:

“The petitioner's petition was considered under Section 31(1) of the Right to Fair Compensation and Transparency in Land Acquisition, RFCTLARR Act, 2013, a settlement was issued



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to the petitioner by the Special District Revenue Officer following the rules and a compensation of Rs.17,58,532/- has been granted. Further, the petitioner has filed an appeal before the District Collector /Arbitrator, upon which an additional compensation of Rs. 33,97,028/- was awarded. Total Rs. 51,55,560/- has been awarded to the petitioner. Therefore, it is concluded that adequate compensation has been granted to the petitioner for the land acquired. Moreover, in cases of land acquisition for long-term projects such as National Highways (Linear Projects), there is no provision to grant compensation other than what is provided under the above Act. Accordingly, the petitioner's request is rejected and this order is hereby passed."

(emphasis supplied)

4. Learned counsel for the petitioner submits that the petitioner is entitled to compensation under both the National Highways Act, 1956 (hereinafter referred to as the "NH Act") and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (hereinafter referred to as the "RFCTLARR Act").



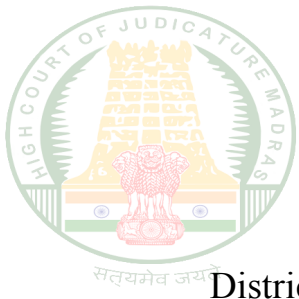
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5. Learned counsel for the petitioner further contends that the District Collector is duty-bound to pass two separate awards: one under the NH Act and another in accordance with the application made under Section 31(1) of the RFCTLARR Act. The petitioner's grievance is that, despite seeking rehabilitation and resettlement compensation, the request was rejected on the grounds that compensation had initially been granted and later enhanced. Hence, the present writ petition.

6. In support of his submission, learned counsel for the petitioner relied upon the order of this Court dated 09.11.2023 in *W.P.(MD) No. 18900 of 2020 [M.Raveendranath v. The District Collector]*. In the said order, learned Single Judge of this Court held that a person seeking rehabilitation and resettlement compensation independently cannot be denied. Accordingly, this Court directed the respondent/District Collector to act upon the petitioner's representation under the rehabilitation and resettlement scheme as provided under the RFCTLARR Act.

7. On the other hand, learned Standing Counsel appearing for the third respondent/NHAI submits that, in view of the consideration by the



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District Collector and the granting of enhanced compensation to the petitioner, he is not entitled to any further compensation. The remedy is available under Section 34 of the Arbitration and Conciliation Act, 1996, to challenge the arbitral award before the competent civil court. He further submits that once the statute provides a specific remedy for the redressal of any grievance, such remedy must be exhausted. Moreover, Article 226 of the Constitution of India cannot be invoked when an alternative remedy exists, unless exceptional circumstances are demonstrated.

8. Learned Standing Counsel also relied upon the order of this Court dated 19.10.2023 (Neutral Citation : 2023 /MHC/4842). The learned Single Judge, who passed the orders in *M. Raveendranath's* case (cited supra), had also passed the said order on 19.10.2023. However, the learned Judge found that if a person is eligible under Section 31 of the RFCTLARR Act, the remedy available would be to file an application under Section 34 of the Arbitration and Conciliation Act, as the award in question was an arbitral award.

9. Heard the learned counsel for the parties and perused the



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materials available on record.

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10. In the present case, the land was acquired under the NH Act, and accordingly, compensation was determined. The Government of India, Ministry of Rural Development, through S.O. 2368(E) dated 28th August 2015, made the provisions for rehabilitation and resettlement under Chapter V of the RFCTLARR Act applicable to the enactments listed under Schedule IV of the RFCTLARR Act.

11. Under Schedule IV, the NH Act is also mentioned and the provisions of Chapter V for rehabilitation and resettlement are applicable. For ease of reference, Section 31 of the RFCTLARR Act is extracted below:

**“Section 31: Rehabilitation and Resettlement
Award for affected families by Collector.**

- (1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.
- (2) The Rehabilitation and Resettlement Award shall include all of the following, namely:---
 - (a) rehabilitation and resettlement amount payable to the family;
 - (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;



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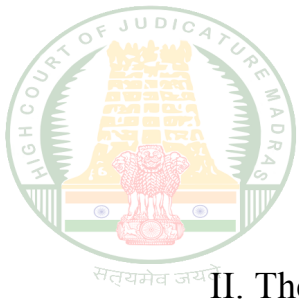
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;
- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops;
- (g) particulars of one-time amount to artisans and small traders;
- (h) details of mandatory employment to be provided to the members of the affected families;
- (i) particulars of any fishing rights that may be involved;
- (j) particulars of annuity and other entitlements to be provided;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.”

(emphasis supplied)

12. As seen from the above provisions, the District Collector is required to pass the rehabilitation and resettlement award for every affected family in accordance with the entitlements provided in Schedule



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II. The proviso specifically states that the District Collector must specify when an affected family is not entitled to the said rehabilitation and resettlement, and this should be indicated as “not applicable.”

13. The “Affected Family” is defined under Section 3(c) of RFCTLARR Act:

“(c) “affected family” includes—

- (i) a family whose land or other immovable property has been acquired;
- (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
- (iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;



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(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;”

The above definition explains what constitutes an affected family and identifies the categories of persons/families who fall within the scope of the definition.

14. A collective reading of Chapter V, Schedule II and Schedule IV, along with the definition of 'affected family,' under RFCTLARR Act and the S.O. 2368(E) dated 28.08.2025, it is clear that a family whose land or other immovable property is acquired would be entitled to the benefits



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outlined in Schedule II.

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15. Section 31 of the RFCTLARR Act specifically mandates that the District Collector shall pass a rehabilitation and resettlement award for each affected family. The proviso further requires the District Collector to specify whether the claim for rehabilitation and resettlement is applicable or not.

16. In the present case, learned counsel for the petitioner argues that two separate awards must be passed, one under the NH Act and the second under Section 31 of the RFCTLARR Act. It is undisputed that the competent authority under the NH Act as notified by the Central Government and the District Collector are responsible for considering compensation the NH Act and the RFCTLARR Act, respectively. In the present case, it is not in dispute that the petitioner was granted compensation by competent authority under the NH Act and thereafter in the appeal filed by the petitioner an arbitral award was passed by the District Collector. While two separate awards may not be strictly necessary, the arbitral award passed under the NH Act by the District Collector should have reflected the consideration of compensation under

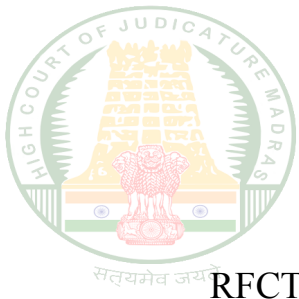


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Section 31 of the RFCTLARR Act as well. In this case, as seen from the operative portion of the impugned order, the District Collector has stated that the petitioner's eligibility under Section 31(1) of the RFCTLARR Act was considered. Further, since compensation of Rs.43,13,942/- had already been granted along with an additional enhanced compensation, it was determined that adequate compensation had been provided, leading to the rejection of the petitioner's request under Section 31 of the RFCTLARR Act.

17. The fact that compensation and enhanced compensation were granted under the NH Act does not disentitle the affected family from seeking compensation under Section 31 of the RFCTLARR Act. Under the provisions of Chapter V of the RFCTLARR Act, the District Collector has a bounden duty to consider whether the family qualifies as an 'affected family', as defined under Section 3(c) of the RFCTLARR Act and whether they are entitled to compensation as outlined in Schedule II. Admittedly, there is no mention in the impugned order addressing this aspect in terms of Section 31 of the RFCTLARR Act. While the petitioner's grievance was considered, the order does not specify whether the petitioner is entitled to or disentitled from compensation under the

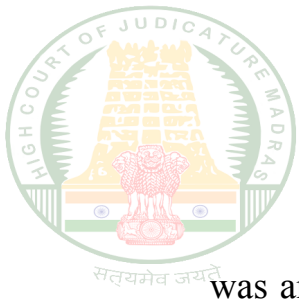


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RFCTLARR Act. Merely mentioning that compensation under Section 31(1) is considered is not in compliance of the mandate under Section 31(1) of the RFCTLARR Act. It is clear that the petitioner's family falls within the definition of "affected family" under Section 3(c) of the RFCTLARR Act and therefore, the District Collector should have specifically mentioned whether the petitioner is eligible or not eligible for compensation under Section 31 of the RFCTLARR Act. Simply stating that compensation was initially granted under the NH Act, followed by enhanced compensation, does not suffice and will not preclude the petitioner from seeking compensation under Section 31 of the RFCTLARR Act. First proviso to Section 31(1) of the RFCTLARR Act, it is mandatory for the District Collector to specify whether Clauses (a) to (k) of Section 31(2) are applicable or not. There is no such mention in the arbitral award or the impugned order.

18. As already discussed, the rejection of the petitioner's claim under Section 31(1) of the RFCTLARR Act was based on the compensation and enhanced compensation provided under the NH Act. However, it has not been discussed regarding the applicability or non-applicability as mentioned in Section 31 of RFCTLARR Act. Though it



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was argued by the learned Standing Counsel for NHAI that the award is an arbitral award, as such it must be referred to a civil court under Section 34 of the Arbitration and Conciliation Act, the said argument cannot be considered since the mandatory requirement of passing an award under Section 31(1) of the RFCTLARR Act has not been fulfilled. Therefore, the present writ petition is maintainable and the District Collector is required to pass an award in accordance with the mandatory provision under Section 31(1) and the said rehabilitation and resettlement award compensation denied.

19. For the aforesaid reasons, this writ petition stands allowed to the extent that the first respondent/District Collector shall consider whether the petitioner is entitled to any further compensation in terms of Section 31 of the RFCTLARR Act. No costs.

(K.SURENDER, J)
24.02.2026

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
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To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Competent Authority And
District Revenue Officer, Land
Acquisition National Highways,
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