

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

+ Civil Revision Petition Nos. 3706, 3715,
3720, 3724, 3728 and 3731 of 2017

% 28-7-2017

C.R.P.No.3706 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State

... Petitioner/Respondent/Respondent

Vs.

\$ 1. Diddi Ramulu, S/o Veeraiah, 60 years,
R/o Kotha Edara, Agiripalli Mandal, Krishna District
... Respondent/Respondent/Petitioner

2. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

C.R.P.No.3715 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State

... Petitioner/Respondent/Respondent

Vs.

\$ 1. Madala Prameela, W/o Ramesh, 56 years,
R/o Telladevarapadu, G.Konduru Mandal, Krishna District
... Respondent/Respondent/Petitioner

2. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

C.R.P.No.3720 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State

... Petitioner/Respondent/Respondent

Vs.

\$ 1. Desam Rohini, W/o Venkateswara Reddy, 61 years,
R/o Telladevarapadu, G.Konduru Mandal, Krishna District
... Respondent/Respondent/Petitioner

2. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

C.R.P.No.3724 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State

... Petitioner/Respondent/Respondent

Vs.

\$ 1. Kopuru Bhanu Prasad, S/o Srinivasa Rao, 59 years,
R/o Ganginenipalem, G.Konduru Mandal, Krishna District
... Respondent/Respondent/Petitioner

2. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

C.R.P.No.3728 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State
... Petitioner/Respondent/Respondent

Vs.

\$ 1. Sampasala Venkateswara Rao, S/o Krishnaiah, 55 years,
R/o Duggiralapadu, G.Konduru Mandal, Krishna District
... Respondent/Respondent/Petitioner

2. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

C.R.P.No.3731 of 2017:

Reliance Gas Transportation Infrastructure Ltd.,
Mumbai, Maharastra State
... Petitioner/Respondent/Respondent

Vs.

\$ 1. Bontu Chinnappa (Died), S/o Chinnappa,
R/o Ganginenipalem, G.Konduru Mandal, Krishna District;
and 4 others
... Respondents/Respondents/Petitioners

6. The Competent Authority, Reliance Gas Transportation
Infrastructure Ltd., D.No.59-1-18/3,
Ramachandra Nagar, Vijayawada
... Petitioner/Respondent/Respondent

! Counsel for the Petitioner: Mr. S.Ravi, Senior Counsel,
representing Mr. P.Hemachandra

Counsel for Respondents: None appeared.

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.3706, 3715,
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Common Order:

The company which had the licence to lay pipelines in private lands, has come up with the above revisions, challenging the dismissal of their applications under Order VII, Rule 11 CPC.

2. Heard Mr. S.Ravi, learned Senior Counsel appearing for the petitioners.

3. It appears that through the lands owned by the 1st respondent in these revision petitions, the petitioner laid pipelines for carrying petroleum and other items, in terms of the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. The competent authority appointed under Section 2(a) of the Act determined the compensation payable.

4. Not satisfied with the compensation so determined, the 1st respondent in these revisions, who are the owners of the lands, filed a petition under Section 10(2) of the said Act. On the ground that these petitions filed under a special enactment are not capable of being valued, a fixed Court Fee of Re.1/- was paid on the petitions, by the land owners.

5. Contending that appropriate Court Fee ought to have been paid under the Andhra Pradesh Court Fee and Suits Valuation Act, the competent authority which was an adjudicating authority filed petitions for rejection of the

original petition under Order VII, Rule 11 CPC. The District Court dismissed these petitions forcing not the competent authority but the company itself to come up with these revision petitions.

6. At the outset, it should be pointed out that what was filed before the District Court by the land owners, was not a suit. It was a petition under a special enactment, namely, the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. In fact, Section 10(2) of the said Act, which reads as follows, does not use the expression “Court” but uses the expression “District Judge”.

“10. Compensation.—

(1)

(2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge.”

Therefore, Order VII, Rule 11 CPC does not have any application to cases of this nature which arise under special enactments. In fact, neither the Act nor the Rules make the provisions of CPC applicable to the proceedings, except to a limited extent insofar as the adjudication by the competent authority is concerned.

7. Apart from the fact that the provisions of Order VII, Rule 11 CPC cannot be invoked to cases of this nature, there are two more reasons as to why the revisions cannot be entertained. They are:

(i) It was not the company-beneficiary which filed an application under Order VII, Rule 11 CPC to reject the claim petition. Strangely, the competent authority, who was the adjudicating authority, filed the application under Order VII, Rule 11 CPC for rejection of the claim petition. Generally, the role of adjudicating authority is that of a neutral arbiter. After he determined the compensation through a process of adjudication, he should take his hands off, since he has no personal interest. But in this case, the competent authority, who adjudicated the matter and determined the compensation, took the role of a disputant and filed the application under Order VII, Rule 11 CPC. Since he has no locus to do so, his application itself was not maintainable. As a consequence, the revisions arising out of the same are also not maintainable.

(ii) Moreover, the revisions are filed by the company-beneficiary. The company-beneficiary did not take out any application under Order VII, Rule 11 CPC. Therefore, they are not entitled to file these revisions as against the rejection of the petitions filed by the competent authority.

8. In view of the above, I find these revisions to be absolutely devoid of merits and not maintainable. Hence, they are dismissed. The miscellaneous petitions, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

28th July, 2017.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.3706, 3715,
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(Common Order)



28th July, 2017.
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