

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1390 of 2013

P.Natesan

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Petitioner

-vs-

1. The Union of India rep.by
its Under Secretary
Ministry of Petroleum and Natural Gas
Sasthri Bhavan
New Delhi 110 011
2. The Deputy Collector/Competent Authority (ROU)
The Gas Authority of India Limited (GAIL)
Hotel Salem Castle Compound, Bharathi Street
Swarnapuri, Salem-4

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Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification dated 02.02.2012 in S.O.212(E) which covered Karukalvadi Village Survey Nos.179/2J of the petitioner noted in schedule at page no 82 of said notification for laying gas pipeline issued by the first respondent in the Gazette of India dated 02.02.2012 extra ordinary part-II and quash the same and direct the second respondent to conduct an enquiry as contemplated under Section 5 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 afresh.

For Petitioner :: Mr.R.Ezhilarasan

For Respondents :: Dr.D.Simon
Central Government Standing
Counsel for R1
Mr.Vishnu Chellaiya for
M/s Ajmal Associates for R2

ORDER

Mr.P.Natesan residing at Krishnampudur, Omalur Taluk, Salem District has filed this writ petition challenging the impugned notification dated 2.2.2012 in S.O.212(E) issued by the Under Secretary to Union of India, Ministry of Petroleum and Natural Gas, to quash the same with a direction to the Deputy Collector/Competent Authority (ROU), Gas Authority of India Limited, the second respondent herein to conduct an enquiry as contemplated under Section 5 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 afresh.

2. When the matter was taken up, learned counsel for the second respondent submitted that the issue raised in this writ petition has already been decided by the Hon'ble Division Bench of this Court in W.P.Nos.23536 of 2012 etc., batch dated 21.1.2019 and he also produced a copy of the said order before me.

3. By an order dated 21.1.2019 passed in W.P.Nos.23536 of 2012 etc., batch (R.Chinnathurai v. Union of India and others), the Hon'ble Division Bench of this Court has observed as follows:-

"44. No doubt, acquisition proceedings as well as acquisition of right of user in lands would cause some distress, hard feelings, inconvenience and difficulties and since public interest is involved, right of user of lands was acquired. It is also assured on behalf of GAIL that there is no prohibition to plant crops, which are not deep rooted after leaving some space and in fact such kind of activities are being done by farmers of Nariman at Ramanathapuram Districts.

45. GAIL shall take all necessary steps to convince the landowners/farmers since the project will develop industrialization and this Court expects that the Government of Tamil Nadu to extend its fullest cooperation and also made similar observations in paragraph No.73 of the order 25.11.2013 made in W.P.No.12897 of 2013 etc., batch.

46. In the result, all the Writ Petitions are dismissed. Interim orders

granted, if any, shall stand vacated. No costs. Consequently, connected miscellaneous petitions are dismissed."

4. In the light of the above, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Under Secretary to Union of India
Ministry of Petroleum and Natural Gas
Shastri Bhavan
New Delhi 110 011
2. The Deputy Collector/Competent Authority (ROU)
The Gas Authority of India Limited (GAIL)
Hotel Salem Castle Compound, Bharathi Street
Swarnapuri, Salem-4

+1cc to Dr.D.Simon, Advocate SR.87030
+1cc to M/s Ajmal Associates , Advocate SR.86394
+1cc to Mr.R.Ezhilarasan, Advocate SR.86333

PA(CO)
CB(21/11/2019)

W.P.No.1390 of 2013

सत्यमेव जयते

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