

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.07.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.20062 of 2019
and
W.M.P.No.19532 of 2019

M.Thangarasu

.. Petitioner

/versus/

1.The Union of India,
Rep.by its Secretary,
Ministry of Petroleum & Natural Gas,
Shastri Bhavan,
New Delhi 110 001.

2.The Special Deputy Collector,
Competent Authority,
IDPL Project BPCL,
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the notification No.578 issued by the 1st respondent under Section 3(1) of Petroleum and Minerals Pipelines(Acquisition of Right of User in Land) Act, 1962 dated 12.04.2019 and quash the same illegal and subsequently direct the respondents not to disturb in the peaceful enjoyment of petitioner's property comprised in Survey No.2/5 situated at Erumaipatti Village, Salem District.

For Petitioner

:Mr.C.Deepak Kumar

O R D E R

Heard the learned counsel appearing for the petitioner.

2. The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus to call for the records of the notification No.578, issued by the 1st respondent under Section 3 (1) of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, dated 12.04.2019 and quash the same illegal and subsequently direct the respondents not to disturb in the peaceful enjoyment of petitioner's property comprised in Survey No.2/5 situated at Erumaipatti Village, Salem District.

3. The petitioner in his affidavit has averred that the notification dated 12.04.2019 was issued by the first respondent pertaining to S.No.2/3 Erumaipatti Village, Edappadi Post, Salem District. Whereas, the second respondent has proceeded against his property, which is situated in S.No.2/5. Further, the learned counsel appearing for the petitioner contended that when the Act contemplates 21 days notice before the proceedings from the date of notification, the second respondent notification dated 12.04.2019 was communicated to the petitioner only on 11.06.2019. Pursuant to the notice, he has given his objection. But, sofar the second respondent has not passed any order. Now, having found that the very notification issued by the Government of India, Ministry of Petroleum and Natural Gas in S.O.578 dated 12.04.2019 itself is against some other property bearing S.No.2/3, consequential notice issued by the authorised officer/second respondent, vide notice dated 11.06.2019 calling for objection is per se illegal.

4. This Court, to ascertain whether the submissions made by the petitioner in his affidavit is correct, asks the learned counsel appearing for the petitioner to show the notification of the Central Government, which intent to proceed against S.No.2/3, Erumaipatti Village, Edappadi Post, Salem District.

5. The notification furnished by the learned counsel appearing for the petitioner does not actually reflect any survey number or village name. Whereas, the consequential notice issued by the second respondent/authorised officer, which is dated 11.06.2019 clearly indicates that the second respondent is intended to acquire the land in S.No.2/5, Erumaipatti Village, Edappadi Post, Salem District and 21 days notice is also given to the petitioner inviting his objection, if any.

6. In such circumstances, this Court finds no procedural irregularity in the notice issued by the second respondent inviting objection and it is also stated by the learned counsel appearing for the petitioner that he has already given his objection and the same is pending for consideration. In such circumstances, there is no reason to file a writ petition pre-maturely, without awaiting for the order of the 2nd

respondent, on the show cause notice. Hence, this Writ Petition is dismissed as pre-mature. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To:

1.The Union of India,
Rep.by its Secretary,
Ministry of Petroleum & Natural Gas,
Shastri Bhavan,
New Delhi 110 001.

2.The Special Deputy Collector,
Competent Authority,
IDPL Project BPCL,Coimbatore.

+1cc to Mr.M.Subash, Advocate SR.No.59272

W.P.No.20062 of 2019
and
W.M.P.No.19532 of 2019

EV (CO)
GMY (07/08/2019)

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