

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.29014 OF 2019
& W.M.P.NOS.28786, 28787, 28791 OF 2019

1. Mr.Karu Nachinar Kinian,
S/o.Mr.P.Karuppiah,
No.8/2, Muthuramalingam First Street,
Gandhi Nagar, Ekkatuthangal,
Chennai - 600 032.
2. Mr.A.R.N.Lakshman,
S/o.A.R.Narayanan,
No.19, Iswaryam Nagar,
Sri Anna Poorani Illam,
Kundrathur, Chennai - 600 069. ... Petitioners

/versus/

1. Government of India,
Rep. by Under Secretary to Government,
Ministry of Petroleum & Natural Gas,
A-Wing, Shastri Rajendra Prasad Road,
New Delhi, Delhi - 110 002.
2. Indian Oil Corporation Ltd.,
Chief General Manager (Constructions),
Southern Region Pipelines,
House of Four Frames,
No.6/13, Wheat Croft Road,
Nungambakkam, Chennai - 600 034. ... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, forbearing the 2nd respondent from invoking the provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 against the Petitioners land situated in Plot Nos.63, 64 Om Prakash Nagar, comprised in S.No.606/1, Kunrathur Village measuring about 4800 sq.ft without following due process of law and consequently forbear the 2nd respondent from demolishing the superstructure put by the petitioner.

For Petitioner : Mr.M.Sriram,

For R1 & R2 : Mr.J.Sathya Narayana Prasad

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the 1st and 2nd Respondents.

2. The short point involved in this case is that, the petitioners are the owners of the land measuring about 4800 sq.ft situated at Plot Nos.63, 64, Om Prakash Nagar, comprised in S.No.606/1, Kunrathur Village. The petitioners herein purchased the property on 18.02.2019 and even before the purchase the land was bounded by a concrete wall, after purchase the petitioners have constructed a shed and now the tenants are doing their business in the said shed. All of a sudden, on 07.06.2019, the 2nd respondent issued a notice to me to remove the shed put up by him. The petitioner sent a RTI application to 2nd respondent and found that the lands were alleged to be acquired by the 2nd respondent herein for the purpose of laying pipeline to transport petrol. The petitioners were not informed about the same and the 2nd respondent, who inspected the schedule property alleged that, there is no pipeline running through his lands. While this being so, the 2nd respondent cannot ask the petitioners to remove the shed. Hence, the present Writ Petition.

3. In the counter, it is stated that, even before the petitioners purchased the land, right of way was acquired by the respondents, from the vendor of the petitioners in the year 2007 and thereafter, the respondents have laid the pipeline in the land. Suppressing this fact, the vendor has sold the property to the petitioners herein, for which, the 2nd respondent cannot held responsible. The petitioner herein has constructed shed and compound wall upon the pipeline. The Official of the 2nd respondent visited the place and instructed the petitioner to remove the shed and compound wall away from the area which the 2nd respondent has Right of way, showing the pipeline alignment to them.

4. The 2nd respondent has acquired right of way as early as 2007 and the petitioner has purchased the property only in the year 2019, subject to the right of way. Therefore, the remedy for the petitioner is to proceed against the vendor and

not against the 2nd respondent/Indian Oil Corporation.
Therefore, the Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Under Secretary to Government,
Government of India,
Ministry of Petroleum & Natural Gas,
A-Wing, Shastri Rajendra Prasad Road,
New Delhi, Delhi - 110 002.
2. The Chief General Manager (Constructions),
Indian Oil Corporation Ltd.,
Southern Region Pipelines,
House of Four Frames,
No.6/13, Wheat Croft Road,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.M.Sriram, Advocate, S.R.No.98758

+2cc to Mr.J.Sathya Narayana Prasad, Advocate, S.R.No.98218

W.P.No.29014 of 2019

KK(CO)
CS/02/01/2020

सत्यमेव जयते

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