

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****WEB COPY****W.P.(MD)No.15085 of 2019**

Muniyasamy

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Land Acquisition Officer/Competent Authority,
Indian Oil Corporation Limited,
Pipe line Project,
Plot No.14 Jeyaprakash Street,
VGP Nagar, Rajajipuram
Thiruvallur

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents to lay the pipe line in Survey No.339/6 is situated at Kokkadai Village, Kadaladi Taluk, Ramanathapuram District for the purpose of transportation of natural gas from Ennur to Thoothukudi based on the objection dated 30.05.2019.

For Petitioner

:Mr.S.Muniyandi

For Respondents

:Mr.M.Rajarajan for R1
Government Advocate

Mr.C.Muraleedharan for R2

ORDER

The prayer sought for in this writ petition is for a writ of mandamus to forbear the respondents to lay the pipeline in Survey No.339/6 situated at Kokkadai Village, Kadaladi Taluk, Ramanathapuram District for the purpose of transportation of natural gas from Ennur to Thoothukudi, based on the objection, dated 30.05.2019.

2.Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned standing counsel for the second respondent.

3.The land at S.No.339/6 at Kokkadai Village, Kadaladi Taluk, Ramanathapuram District is the subject land. The petitioner, as per the averments made in the affidavit, submitted that, the subject land was purchased by one Kaliammal, the sister of the petitioner and thereafter, that Kaliammal claimed to have handed over the property to the petitioner. Accordingly, the



petitioner claimed that, he has been in possession and enjoyment of the property.

4. While so, since the second respondent acquired the said land for the purpose of laying the pipeline under land acquisition proceedings, where, after determining the compensation, award was passed and the award amount also had been paid to a third party, namely, Ambika Enterprises, who is not at all owner of the subject land. Therefore, without issuing notice to the petitioner, being the owner of the subject land and without paying the compensation for the acquisition of the land to the petitioner, the proposed pipeline work shall not be permitted to go on. Therefore, the petitioner, seeking a prohibitory order by way of mandamus, filed this writ petition with the aforesaid prayer.

5. I have heard the learned counsel for the petitioner, who would submit that, the said property has been in possession and enjoyment of the petitioner, as the same has been handed over to by his sister, who according to the petitioner, purchased the property.

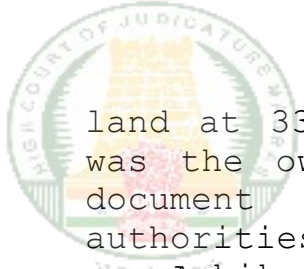
6. Absolutely, no document whatsoever has been filed by the petitioner to substantiate the said allegation or submission made in the affidavit and there is no proof before this Court filed by the petitioner to prove the title claiming the ownership of the subject land.

7. However, the learned standing counsel for the second respondent would submit, by relying upon the various documents filed in the typed set of documents filed by the second respondent, that, the petitioner filed a Chitta copy, where the survey number 339/7B alone has been mentioned and in the encumbrance certificate, the subject land ie., 339/6 was sold to one Ambika Enterprises on 08.04.2009 by the erstwhile owner and the said transaction had taken place along with some other property also on the same date, which includes the subject land also.

8. The learned counsel for the second respondent relied upon the patta stands in the name of Ambika Enterprises in Patta No.2115 issued by the revenue department, where a number of lands in that village had been shown as the land belongs to the said Ambika Enterprises, where the property to the extent of 0.28.50 hectares at S.No.339/6 stands in the name of the said Ambika Enterprises. The second respondent also relied upon the patta No.1007 issued by the revenue department, where the ownership of the petitioner has been mentioned only in respect of three survey numbers, namely, 267/2B, 336/6B and 339/7B.

<https://hcservices.ecourts.gov.in/hcservices/>

9. Therefore, relying upon these documents, the learned counsel for the second respondent would submit that, the subject



land at 339/6 never been in possession of the petitioner nor he was the owner at any point of time and there is absolutely no document including the documents issued by the revenue authorities, instead the said subject land stands in the name of one Ambika Enterprises. In order to substantiate the said factor, number of documents were available and based on those documents only, after having verified the actual owner of each of the property, which were sought to be acquired for the proposed pipeline project, the second respondent acquired the property in question also and accordingly, after having conducted enquiry, compensation also was determined, award was passed and the said award amount also has been disbursed to the owner of the property, ie., the Ambika Enterprises, who received the compensation and there has been acknowledgment/receipt to that effect dated 29.05.2019. Therefore, there is absolutely no scope to make any claim by the petitioner with regard to the subject land, as the petitioner never been the owner of the said land. Therefore, the prayer sought in the writ petition cannot be granted, he contended.

10. I have heard the learned Additional Government Pleader for the first respondent, who reiterated the stand taken by the second respondent.

11. As has been rightly pointed out by the learned counsel for the second respondent, the petitioner has not filed any proof to claim ownership or title over the said land and whatever documents the second respondent filed also states that, S.No.339/6 stands in the name of one Ambika Enterprises and the petitioner is the owner only in respect of 339/7B as per the patta No.1007 and therefore, the petitioner cannot have any right to claim over the property of S.No.339/6, which is the subject matter and therefore, on that score, the petitioner also cannot equally have any right to seek for any prohibitory order from this Court to restrain the second respondent from laying the pipeline, for which, the land in question has been acquired.

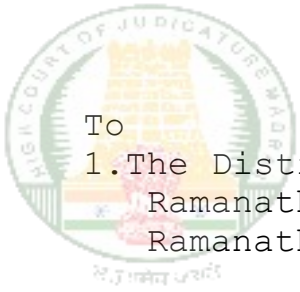
12. In that view of the matter, this Court has no hesitation to hold that, the petitioner has not at all made out a case. Therefore, the writ petition fails and the same deserves to be dismissed, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Land Acquisition Officer/Competent Authority,
Indian Oil Corporation Limited,
Pipe line Project, Plot No.14 Jeyaprakash Street, VGP Nagar,
Rajajipuram, Thiruvallur

+1 CC to M/s.SPL GP (SR-75987[F] dated 18/07/2019)

+1 CC to M/s.K.MURALEEDHARAN, Advocate (SR-76125[F] dated
18/07/2019)

RR

W.P. (MD) No.15085 of 2019
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