IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 27TH DAY OF FEBRUARY 2020 / 8TH PHALGUNA, 1941

OP(C).No.1371 OF 2019

OP 99/2019 OF DISTRICT COURT& SESSIONS COURT,MANJERI

PETITIONER/S:

GAIL(INDIA) LTD.
REPRESENTED BY ITS GENERAL MANAGER, KINFRA HIGH TECH PARK, OFF-HMT ROAD, HMT COLONY
P.O.KALAMASSERY, ERNAKULAM DISTRICT-683 503.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT/S:

MUHAMMAD ASHARAF
S/O MOOSA, KUYILTHODI HOUSE, VALLUVAMBRAM,
MALAPPURAM DISTRICT-676 517

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 27.02.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Ext.P3 order is under challenge in this Original Petition. As per Ext.P3 order, the District court allowed I.A. No.6 of 2019 filed by the respondent seeking for condoning the delay in filing the application under Section 10 of the Petroleum And Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (for short 'the Act').

2. Heard.

3. It appears from Ext.P3 order that the said order is not a speaking order. It does not contain any reason for passing the said order. It also does not mention about the number of days of delay occasioned in filing the application under Section 10 of the Act. Since Ext.P3 order does not contain any reason for passing the said order, Ext.P3 cannot be said to be legal and correct and consequently, I set aside the same and direct the court below to pass order on I.A. No.6 of 2019 afresh, in accordance with law, as expeditiously as possible and at

any rate, within one month from the date of receipt/ production of a copy of this judgment, affording reasonable opportunity of hearing to both sides.

In the result, this Original Petition stands allowed.

sd

B. SUDHEENDRA KUMAR, JUDGE.

dl/

APPENDIX OF OP(C) 1371/2019

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF AFFIDAVIT FILED IN SUPPORT THE IA NO 6/2019 FILED BY THE RESPONDENT FOR CONDONATION OF DELAY.
EXHIBIT P2	TRUE COPY OF THE COUNTER STATEMENT FILED IN IA NO.6/19
EXHIBIT P3	TRUE COPY OF THE ORDER DATED 19.3.2019 IN IA NO 6/19 OF DISTRICT JUDGE, MANJERI.
EXHIBIT P4	TRUE COPY OF THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) ACT 1962 (PMP ACT)
EXHIBIT P5	TRUE COPY OF THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) RULES 1963 (PMP RULES)
EXHIBIT P6	TRUE COPY OF THE ORDER IN O.P.(CIVIL) NO 2724/2018 DATED 24.10.2018