



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .Nos.7982, 9288, 9289, 9291 and 9294 of 2020

and

W.M.P(MD) .Nos. 7425, 8458, 8459, 8460 and 8463 of 2020

1.Askar	...Petitioner in W.P.No.7982 of 2020
2.T.Narayanamoorthy	...Petitioner in W.P.No.9288 of 2020
3.Jeyasundarakani	...Petitioner in W.P.No.9289 of 2020
4.Aravind Thangam	...Petitioner in W.P.No.9291 of 2020
5.B.Chockalingam	...Petitioner in W.P.No.9294 of 2020

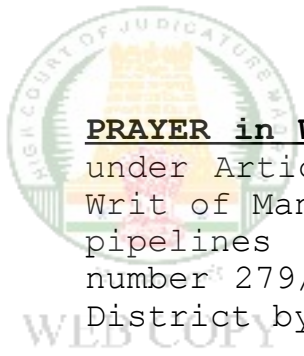
Vs.

- 1.The Secretary to Government,
Ministry of Petroleum and Natural Gas,
Government of India, New Delhi.
- 2.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort.St.George, Secretariat, Chennai -9.
- 3.The Authorized Officer,
Ms/.Indian Oil Corporation Limited,
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.
- 4.The District Collector,
Thoothukudi District,
Thoothukudi.

....Respondents in all the
Writ Petitions

PRAYER in W.P(MD) .No.7982 of 2020: The Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from laying gas pipelines through the petitioner's agricultural lands in survey number 293/3, Kulayankarisal Village, Thoothukudi District by considering the representation made on 13.07.2020.

PRAYER in W.P(MD) .No.9288 of 2020: The Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from laying gas pipelines through the petitioner's agricultural lands in survey numbers 385/1 and 385/2, Patta No.2051 in Kulayankarisal Village, Thoothukudi District by considering the representation made on 13.07.2020.



PRAYER in W.P(MD).No.9289 of 2020: The Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from laying gas pipelines through the petitioner's agricultural lands in survey number 279/7, Patta No.1648 in Kulayankarisal Village, Thoothukudi District by considering the representation made on 13.07.2020.

PRAYER in W.P(MD).No.9291 of 2020: The Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from laying gas pipelines through the petitioner's agricultural lands in survey numbers 306/2B, Patta Nos.517 and 306/4, Patta No.549, in Kulayankarisal Village, Thoothukudi District by considering the representation made on 13.07.2020.

PRAYER in W.P(MD).No.9294 of 2020: The Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from laying gas pipelines through the petitioner's agricultural lands in survey number 373/2, Patta No.2084, in Kulayankarisal Village, Thoothukudi District by considering the representation made on 13.07.2020.

In all the writ petitions:

For Petitioners	: Mr.T.A.Ebenezer
For R1	:Mr.S.Jeyasingh
For R2 & R4	: Mr.S.Angappan
	Government Advocate
For R3	:Mr.Muralidharan

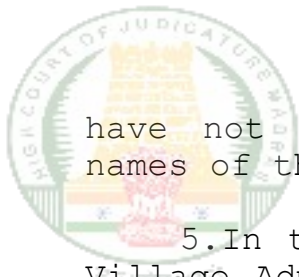
COMMON ORDER

Heard the learned counsel for the writ petitioners and the learned Standing Counsel for the respondent Corporation.

2.The writ petitioners are either owners or co-owners of the petition mentioned lands. They feel aggrieved by laying of gas pipelines through their lands by the respondent Corporation.

3.The main argument of the petitioners' counsel is that the Corporation has not followed due process of law.

4.Rebutting the said contentions, the Corporation has filed a detailed counter affidavit and also typed set of papers. The learned Standing Counsel took me through the averments set out in the counter affidavit as well as the materials enclosed in the typed set of papers. It is seen that the project in question was conceived way back in the year 2017. A Notification under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 was approved by the Government of India vide its S.O.No.2451 (E), dated 31.07.2017 and published in Government of India Gazette No.2151, dated 03.08.2017. Since the Revenue Records



have not been mutated, the notification obviously reflected the names of the persons which were shown in the revenue records.

5. In the counter affidavit, it is also stated that through the Village Administrative Officer, the notification was affixed in the lands in question. That apart, the notification was published in a National as well as Local Daily. Copies of the paper publication have also been enclosed in the typed set of papers. In Dinamalar Daily, publication was made on 12.10.2018. Likewise in Indian Express, the publication was also made on the very same day. Thus, it is not as if something had suddenly taken place.

6. It is seen that the project has been substantially implemented. It is also seen that the compensation was determined by the District Collector and that the Corporation is ready to pay the same up-front. If the land owners are aggrieved regarding the sufficiency of the compensation, they can always move the jurisdictional Civil Court for enhancement.

7. I am satisfied that the procedure set out in the statute has been followed. However, it is also seen that the Corporation is ready to pay the compensation immediately. The learned Standing Counsel also states that the compensation payable to the petitioners has also been quantified by the fourth respondent. The said amount shall be deposited immediately in a special account that may be created for the purpose. Unless the amount is deposited up-front, it will not be open to the Corporation to enter the land in question. It is open to the petitioners to withdraw the said amount if they are the exclusive and sole owners. If the writ petitioners herein are only co-owners, they can withdraw their proportionate share. If the petitioners are aggrieved by the quantum of compensation, they can move the Civil Court for enhancement. As and when the petitioners file the petitions for enhancement, the jurisdictional Civil Court will dispose of the same on merits and in accordance with law within a period of six months thereafter. The third respondent Corporation is directed to co-operate for speedy disposal of such enhancement claims.

8. With this direction, these Writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (ACCOUNTS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort.St.George,
Secretariat, Chennai -9.

2.The District Collector ,
Thoothukudi District,
Thoothukudi.

3.The Authorized Officer,
Ms/.Indian Oil Corporation Limited,
No.139, Indian Oil Bhavan,
Nungambakkam High Road ,
Nungambakkam, Chennai 600 034 .

+1 CC to M/s.T.A. EBENEZER, Advocate (SR-14940[F] dated 26/08/2020)

+1 CC to Mr.S. JEYASINGH, Advocate (SR-14945[F] dated 26/08/2020)

+1 cc to The Special Government Pleader Sr.No.14969

ORDER MADE IN

W.P. (MD) .Nos.7982, 9288, 9289, 9291 and 9294 of 2020

and

W.M.P (MD) .Nos. 7425, 8458, 8459, 8460 and 8463 of 2020

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