



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8337 of 2020

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A.K.Gowthaman,
Deputy General Manager(Construction),
Indian Oil Corporation Ltd.,

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Superintendent of Police,
Thoothukudi District.

3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

4.The Inspector of Police,
Muthiayapuram Police Station,
Thoothukudi District.

5.Jeyasundarakani

6.Askar

7.T.Narayanamoorthy

8.Aravind Thangam

9.A.Selvasekar

10.V.P.R.Suresh

11.B.Chockalingam

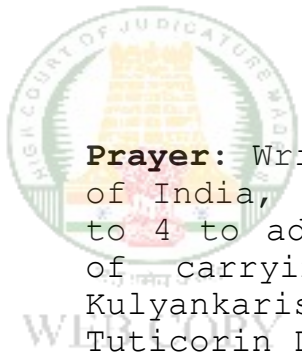
12.T.Balamurugan

13.The State of Tamilnadu
represented by its Secretary,
Home Department,
St.George Fort,
Chennai 600 009.

(R13 is *suo motu*

impleaded vide order dated 12.10.2020)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 to 4 to adequate police protection for carrying out statutory work of carrying out laying of pipe lines for natural gas at Kulyankarisal Village and Mullakkadu Village in Tuticorin Taluk, Tuticorin District.

For Petitioner : Mr.K.Muraleedharan
For R1 to R4 : Mr.R.Srinivasan
and R13 Government Advocate

For R5 to R8 : Mr.T.A.Ebenezer

For R9 : Mr.D.Srinivasa Raghavan
for Mr.P.Rajkumar

For R10 & R11 : Mr.V.Karuna

For R12 : Mr.G.Bhagavath Singh

O R D E R

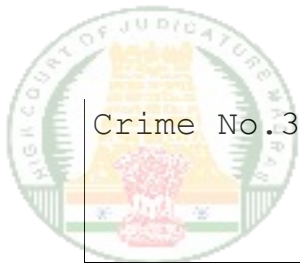
Heard the learned counsel on either side.

2.The Indian Oil Corporation Limited is the petitioner herein. The Corporation declared its intention to implement Ramanathapuram-Thoothukudi underground natural gas pipeline project.

3.The learned standing counsel appearing for the Corporation states that the project has been more than substantially completed and only a few kilometers of pipelines will have to be laid. They encountered severe opposition from a group of villagers. Therefore, this Writ Petition came to be filed seeking grant of police protection for laying the pipelines.

4.The learned Government Advocate submitted that due to the standoff between the Corporation on the one hand and the agitating villagers on the other, the following cases came to be registered on the file of the Pudukottai Police Station, Thoothukudi District and Muthiahpuram Police Station.

Crime Numbers	Sections	Station
Crime No.309 of 2019	147 and 341 of IPC	Muthiahpuram Police Station
Crime No.340 of 2019	147, 341 of IPC	Muthiahpuram Police Station
Crime No.351 of 2019	147 and 341 of IPC	Muthiahpuram Police Station



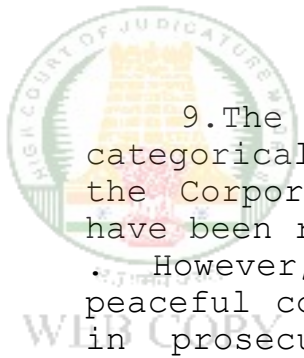
Crime No.309 of 2020	143, 188, 341, 353 of IPC and Section 51 of Disaster Management Act	Muthiahpuram Police Station
Crime No.345 of 2020	153, 153(a) 188, 269 of IPC and Section 67 of IT Act and Section 51 of Disaster Management Act	Muthiahpuram Police Station
Crime No.344 of 2020	143, 269, 309 of IPC r/w Section 51 of Disaster Management Act	Muthiahpuram Police Station
Crime No.348 of 2020	147, 148, 294(b), 506 (2) of IPC	Muthiahpuram Police Station
Crime No.347 of 2020	143, 269 and 188 of IPC r/w Section 51 of Disaster Management Act.	Muthiahpuram Police Station
Crime No.503 of 2020	294(b), 436 and 506 (ii) of IPC	Pudukottai Police Station
Crime No.490 of 2020	341, 294(b), 353 of IPC	Pudukottai Police Station

5.The learned Government Advocate would further state that the District Collector is taking earnest effort to peacefully resolve the issue.

6.The learned counsel appearing for the private respondents submitted that the issue has become infructuous as far as the respondents 5, 6, 7, 8, 10 and 11 are concerned. The pipelines have already been laid across their lands. As regards R8, the learned Government Advocate submitted that the grievance is about laying of the pipelines rather close to the habitation. He also added that on account of registration of criminal case, the lives of the local people have been seriously affected.

7.I carefully considered the rival contentions and went through the materials on record.

8.The Corporation is not having any enforceable order of civil Court, so as to ask for police protection before me. I wanted to know if the Corporation would have any objection if all the criminal cases registered in connection with the implementation of this project are closed as "action dropped".



9.The learned Standing Counsel, on instructions, made a categorical statement that only in some of the cases, the staff of the Corporation themselves complainants and that the other cases have been registered only at the instance of the revenue authorities . However, he added that the corporation is more worried about the peaceful completion of the project and that they are not interested in prosecuting the criminal cases. Even if the other cases registered at the instance of the revenue authorities are given a quietus, the Corporation will not have any objection. This submission made by the learned Standing Counsel, on instructions, from the Indian Oil Corporation , is placed on record.

10.The Indian Oil Corporation is not a private individual. It is a public sector undertaking directly coming under the Ministry of Petroleum and Natural Gas. The Government had conceived the project under the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and the same was also duly notified and published in the Government Gazette. More than anything else, the project is nearing completion. It is a mammoth project with a huge financial outlay. If at this stage it is not allowed to be completed, then, it is public interest that will eventually suffer. At the same time, as rightly contended by the learned counsel appearing for 9th respondent, the concerns of the agitating public cannot be brushed aside or ignored. In fact, confidence building measure must have been undertaken at the very outset.

11.Be that as it may, in the interest of justice, the following directions are issued:-

1.All the criminal cases registered against the members of the general public in connection with the implementation of the project including Crime Nos.309, 340 and 351 of 2019 and Crime Nos.309, 345, 344, 348, 347, 503 and 490 of 2020 shall stand quashed.

2.The project shall be implemented and the pipelines should be maintained thereafter by having utmost regard to the safety standards. In other words, due to faulty maintenance, nothing that would endanger the lives of the villagers should ever occur in future.

3.Those affected by the implementation of the project will have to be paid compensation and the land owners will have right to ask for enhanced compensation before the jurisdictional Court. The jurisdictional Court will dispose of these petitions as expeditiously as possible.

4. The official respondents in particularly R2 to R4 are directed to give adequate police protection for completing the project. The cost of providing such police protection obviously will be borne by the petitioner herein.



12.This writ petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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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 District Collector,
Thoothukudi District.
- 2.The Superintendent of Police,
Thoothukudi District.
- 3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 4.The Inspector of Police,
Muthiayapuram Police Station,
Thoothukudi District.
- 5.The Secretary,
Home Department,
St.George Fort,
Chennai 600 009.

+1 CC to M/s.P. RAJKUMAR, Advocate (SR-19939[F] dated 13/10/2020)

W.P. (MD)No.8337 of 2020

12.10.2020

KK(28.10.2020) 5P 7C