



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NOS.10489, 11446 & 11454 OF 2020
AND W.M.P.NOS.12747, 12751, 13961, 13965, 13972, 13976, 16228,
16227, 16856, 16853, 16854 OF 2020

C.Velavendan .. Petitioner in W.P.No.10489 of 2020
R.Thulasi @ R.Thulasiammal .. Petitioner in W.P.No.11446 of 2020
C.Nagaian .. Petitioner in W.P.No.11454 of 2020

Vs.

1. The Land Acquisition Officer cum Competent Authority,
Indian Oil Corporation Limited,
ATF, CBPL, CBRT & ET LPG Pipeline Projects,
Plot No.14, Jayaprakash Street,
V.G.P.Nagar, Rajajipuram,
Thiruvallur - 602 001.
2. The Chief General Manager,
Indian Oil Corporation Limited,
No.6/14, Wheat Craft Road,
Four Farm House,
Nungambakkam,
Chennai - 600 034. .. Respondents in all the Wps

Prayer in all the WPs: Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the entire records of the respondents ending with their notice for land acquisition Nos.499, 213 and 6133 respectively dated 20.12.2018 and quash the same and direct the respondents to consider the petitioner's representation dated 02.03.2020, in accordance with law to secure the ends of justice.

For Petitioners : Mr.T.Vijay Shankar
in all the WPs

For Respondents : Dr.S.Swaminathan
in all the WPs



C O M M O N O R D E R
(The case has been heard through video conference)

Since all the writ petitions have been preferred on the same set of facts, submissions being common, they are taken up together and disposed of by means of this common order.

2. The writ petitions have been filed challenging the notices issued by the first respondent calling upon the petitioners to raise objections for passing the Award under Rule 4 of the Rules framed under the Petroleum and Mineral Pipeline (Acquisition of Right of User in Land) Rules, 1963.

3. The grievance of the petitioners is that, their lands were acquired for the purpose of laying underground pipelines for implementing Ennore-Tiruvallur - Bangalore - Pondicherry - Nagapattinam - Madurai - Tuticorin Pipeline Project for transporting natural gas to various industrial anchor customers and to general public covering 21 district under the provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (Central act 50 of 1962).

4. According to the petitioners, they are the owners of the agricultural land and they were not issued any notice whatsoever and acquisition proceedings were initiated and declaration was also issued under Section 6 of the Act. Thereafter only the impugned notice under Rule 4 of the Petroleum and Mineral Pipeline (Acquisition of Right of User in Land) Rules, 1963 has been issued directing the petitioners to appear for the Award enquiry. In such circumstances, the petitioners filed the writ petitions challenging the Award enquiry on the ground that, their lands are very valuable lands and by laying pipelines, it will make their lands un-cultivable. They have also stated that there is a possibility of realignment, instead of laying the pipelines through the petitioners land, without affecting anybody, they can lay the pipeline in some other area. It is also stated that some of the neighbouring land owners have also said to have raised objections, and none of the objections were considered, hence challenging the impugned Award notice, the writ petitions have been filed.

5. The first respondent filed a detailed counter affidavit stating that, for laying of underground pipeline to transport natural gas from Ennore through various districts to Tuticorin, the Central Government has taken a decision to acquire right to use certain lands under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (Central Act 50 of 1962). The Deputy Collector, first respondent herein has been authorised to function as the Acquisition Officer to



conduct the acquisition proceedings. After issuance of notice under Section 3(1) of the Act, notice has been served individually to all land owners including the petitioners calling for objections. Totally 15 objections were received and after considering the objections suitable orders were passed, thereafter Notification was issued under Section 6(1) of the Act, conveying that, right of user in the lands specified therein shall vest absolutely with the Central Government free from all encumbrances, and the notice were served to all the landowners after completing all formalities. It has been further stated that notice was served on the petitioners and they cannot now contend that notice was not served on them. That apart, the respondents also denied the other averments made in the affidavit.

6. Hear the learned counsel on either side and also perused the records.

7. Earlier when the matter came up for hearing, it was informed that subsequent to the filing of the writ petitions, Award came to be passed in Award No.8, dated 21.09.2020. It was further submitted that notice was also issued to the petitioners but they refused to receive the notice and the petitioners also did not come forward to receive the award amount and hence the compensation amount has been deposited with the first respondent.

8. The writ petitions have been filed challenging only the award enquiry notice. They did not come forward to challenge the declaration issued under Section 6 of the Act. In the absence of challenge the declaration under Section 6 of the Act, validity of the acquisition proceedings cannot be gone into in these writ petitions. So far as the Award enquiry is concerned, the Award has been passed on 21.09.2020 and a copy of the Award has been produced before this Court. In such circumstances, as already Award has been passed, if at all the petitioners have any grievance over the Award, they have remedy by way of filing an appeal before the District Collector under Section 10(5) of the Act, at this stage, the impugned notices calling for award enquiry cannot be considered. Apart from that it is also stated that the respondents have laid more than 14,000 kms of pipeline and most part of the work has been completed and due to the pendency of these writ petitions they are not in a position proceed with the completion of the work.

9. Considering the above circumstances, the prayer sought in the writ petitions cannot be granted at this stage, hence the writ petitions are dismissed. However, liberty is granted to the petitioners to challenge the Award in the manner known to law. The respondents are also directed to serve a copy of the Award to the petitioners within a period of two weeks from the date of



receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

To

1. The Land Acquisition Officer cum Competent Authority,
Indian Oil Corporation Limited,
ATF, CBPL, CBRT & ET LPG Pipeline Projects,
Plot No.14, Jayaprakash Street,
V.G.P.Nagar, Rajajipuram,
Thiruvallur - 602 001.
2. The Chief General Manager,
Indian Oil Corporation Limited,
No.6/14, Wheat Craft Road,
Four Farm House,
Nungambakkam,
Chennai - 600 034.

+3ccs to Mr.S.S.Swaminathan, Advocate, S.R.No.36461,36462,36463
+3ccs to Mr.T.Vijayashankar, Advocate, S.R.No.36525,36526,36527

W.P.Nos.10489, 11446 & 11454 of 2020
and W.M.P.Nos.12747, 12751, 13961,
13965, 13972, 13976, 16228, 16227,
16856, 16853, 16854 of 2020

VSN-II (CO)
PM(25/08/2021)



WEB COPY

V.BHARATHIDASAN, J.

kk

28.07.2021