

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12520 of 2021

and

W.M.P.Nos.13298 & 13299 of 2021

1.N.Moorthy

2.M.Saraswathy

3.R.Jeeva

4.P.Rukmani

5.V.Poornima

.. Petitioners

Vs.

1.The District Collector,
The office of the District Collector,
Kancheepuram District.

2.The Sub Collector/Authorised Officer,
Indian Oil Corporation Limited,
SRPL Projects,
No.14, Jayaprakash Street,
V.G.P.Nagar, Rajajipuram,
Thiruvallur – 620 001.

3.Indian Oil Corporation Limited,
No.139, Indian Oil Bhavan,
Nungambakkam,
Chennai – 600 034.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned Reply dated 06.03.2020, bearing proceedings No.CTMPL No.1 of 2020 issued by the 2nd Respondent and Quash the same and consequently direct the 2nd and 3rd Respondent to pay Compensation for the Additional pipe line laid as per the Notice dated 17.10.2019 vide CTMPL No..... 2019, Under Section 7 of Petroleum and Pipelines (Acquisition of Right of User in Land Act 1962) in the lands of the Petitioners situated in Vadamangalam Village No.115, Comprised in Survey No.221/2A of an extent of 0.01 Ares / 44 Sq.mt and in Survey No.221/5B of an extent of 0.07 Ares / 20 Sq.mt.

For Petitioners : Mr.K.Venkateswaran

For RR 1 & 2 : Mr.S.John J.Raja Singh,
Government of Tamil Nadu

ORDER

The relief sought for in the present Writ Petition is to quash the order dated 06.03.2020, wherein the 2nd respondent has communicated a copy of the payment receipt signed by the petitioners in respect of the compensation received by them for the lands already acquired long back in the year 2000.

2.In this regard, it is made clear that with reference to the lands acquired in the year 2000 for laying pipelines under the provisions of

Petroleum and Pipelines (Acquisition of Right of User in Land) Act 1962 cannot be interfered with after this length of time. It is pertinent to note that the petitioners have received compensation for the lands acquired in the year 2000 and acknowledged the payment of compensation. However, a fresh notice has been now issued in proceedings dated 17.10.2019, stating that the respondents have proposed to lay additional pipelines and for that they have issued a notice.

3.The learned counsel appearing on behalf of the petitioners states that the petitioners are entitled for compensation in respect of the crops which are going to be destroyed for the purpose of laying additional pipelines and in this regard, they have submitted a representation to the 2nd respondent to measure the lands properly and initiate appropriate actions. Since their grievances are not addressed, the petitioners are constrained to move the present Writ Petition.

4.This Court is of the considered opinion that the process of land acquisition initiated in the year 2000 had already been completed and the lands were already acquired and compensation was paid and acknowledged

by the land owners. The pipelines were already laid and now after a lapse of about 19 years, an additional pipeline is proposed to be laid in the very same lands, which were acquired by the respondents. If at all, any crops or plantations are going to be destroyed, then the respondents are bound to address the issue with reference to the provisions of the Act and initiate appropriate actions. If any payment of compensation for any such destruction is contemplated within the said issue is also to be considered and appropriate orders are to be passed. In view of the fact that a notice was issued by the Competent Authority to the petitioners on 17.10.2019, the respondents are bound to measure the acquired lands and initiate all further actions in accordance with law by considering the grievances raised by the petitioners in their representation during March 2020. The reply given by the respondents on 06.03.2020 is clear that in respect of the lands acquired, compensation had already been paid to the land owners and the said payment was acknowledged by the land owners. However, in respect of the measurement of the acquired portion of the land, the same is to be clarified and if necessary, measurements are to be undertaken with the qualified authorities and appropriate actions are to be taken with reference to the grievances raised by the petitioners for payment of further compensation, if

any, in accordance with the provisions of the Statutes. Thus the 2nd respondent is directed to look into the representation submitted by the petitioners during March 2020 and initiate appropriate actions. The petitioners are directed to send a copy of the representation along with the copy of the order passed in this Writ Petition as well as the documents, if any, within a period of two weeks from the date of receipt of a copy of this order. On such receipt of the same, the 2nd respondent is directed to complete the said exercise as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of the documents received from the petitioners.

5. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

09.06.2021

krk/svn

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-speaking order

S.M.SUBRAMANIAM, J.

krk/svn

To

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