



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.44047 OF 2016
AND W.M.P.NO.37855 OF 2016

G.Seetharaman

... Petitioner

-Vs-

1. The Union of India,
Represented by its Secretary to Government,
Petroleum and Minerals Department,
New Delhi.

2. The Special Revenue Inspector,
GAIL (India) Ltd.,
A Government of India Undertaking,
Navarathina Company,
No.172, Kamarajar Salai, Karaikal.

... Respondents

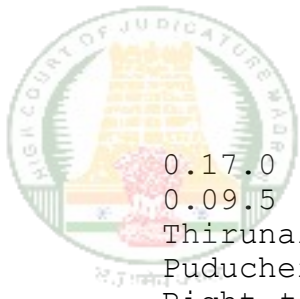
Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents herein to hand over and resume the land in R.S.No.266/1 measuring an extent of 0.17.0 hectares and in R.S.No.266/2 measuring an extent of 0.09.5 hectares situated at Surakudy Revenue Village, Thirunallar Commune Panchayat, Karaikal, Union Territory of Puducherry by way of transfer by applying Section 48-B of the Land Acquisition Act as the Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

For Petitioner : Mr.B.B Sendhil Kumar
For R1 : Not ready in notice
For R2 : Mr.Ajmal Khan
Senior Counsel
For M/s.Ajmal Associates

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents herein to hand over and resume the land in R.S.No.266/1 measuring an extent of



0.17.0 hectares and in R.S.No.266/2 measuring an extent of 0.09.5 hectares situated at Surakudy Revenue Village, Thirunallar Commune Panchayat, Karaikal, Union Territory of Puducherry by way of transfer by applying Section 48-B of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

2. Heard, Mr.B.B Sendhil Kumar, learned counsel appearing for the petitioner and Mr.Ajmal Khan, learned senior counsel appearing for the second respondent.

3. The case of the petitioner is that the land, comprised in R.S.No.266/1 and 266/2 situated at Surakudy Revenue Village of Tirunallar Commune Panchayat, owned by the petitioner, has been acquired by the second respondent for laying pipeline to provide Gas Pipe Line from SPIC to M/s Boss Profiles. It was made in pursuant to the notification issued by the Central Government dated 05.09.1998 under the Petroleum and Minerals Pipeline Act 1962 (herein after called the 'Act'). The second respondent had acquired a right of use of the said extent of the land which leads the Gas Pipeline from SPIC to M/s Boss Profiles.

4. While being so, the said M/s Boss Profiles company wound up due to Labour issue and they had stopped the production of vertified Tiles long ago. Therefore, the purpose for right of use the land in question was not in existence and ceased to be abandoned. Therefore, the petitioner caused notice dated 16.05.2016 to the second respondent to resume the land from the second respondent as contemplated under Section 48(B) of the Land Acquisition Act, 1894 by way of transfer.

5. Admittedly, the subject land, had acquired to lay the Gas Pipeline, thus, acquired only a right of use of the said extent of land. The said Gas Pipeline has net work of about 250 kms length in the State of Tamil Nadu and presently supplying about 3.0 million metric Standard Cubic Metres per day of natural gas to various power generating units including Tamil Nadu Electricity Board (TANGEDCO) for larger public purposes by sourcing the gas from Ramnad, Kuttalam, Narimanam fields in Cauvery Basin. Those lands were acquired under the Petroleum and Minerals Pipeline (Right of User) Act, 1962. Therefore, the petitioner cannot claim any benefit under Section 48(B) of the Land Acquisition Act, 1894. The petitioner already received entire compensation as contemplated under Section 10 of the said Act.

6. The learned senior counsel rightly pointed out that the land was acquired only for the purpose for right to use of the land and no question of transferring the land as contemplated



under Section 48(B) of the Land Acquisition Act. That apart, now the gas is supplied through the said pipelines to M/s.Athidya Fens. The very purpose of Acquisition of right of use the lands is still very much existing. That apart, there is no provisions under the Act to resume the land to the original land owners. The petitioner is free to cultivate in the land under which the pipelines have been laid for public purposes. Therefore, the writ petition is devoid of merits and liable to be dismissed.

7. In view of the above, this writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The Secretary to Government,
Union of India,
Petroleum and Minerals Department,
New Delhi.
2. The Special Revenue Inspector,
GAIL (India) Ltd.,
A Government of India Undertaking,
Navarathina Company,
No.172, Kamarajar Salai, Karaikal.

+1cc to Mr.B.B Sendhil Kumar, Advocate, S.R.No.45486

W.P.No.44047 of 2016
and W.M.P.No.37855 of 2016

SR II (CO)
PM/11/10/2021