



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. Nos.20152 & 20559 of 2021

A.Vijay Kumar

... Petitioner in W.P.
No.20152 of 2021

P.R.Parthasarathy

... Petitioner in W.P.
No.20559 of 2021

-Vs-

1. The Secretary to Government,
Ministry of Petroleum and Natural Gas,
Government of India,
Shastri Bhawan,
New Delhi - 110 001.

2. M/s. Indian Oil Corporation Limited,
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 0034.

3. The Land Acquisition Officer,
Competent Authority,
Indian Oil Corporation Limited,
ATF, CBPL, CBRT & ET-LPG,
Pipeline Projects,
Plot No.14,
Jayaprakash Street,
V.G.P.Nagar, Rajajipuram,
Tiruvallur - 602 001.

... Respondents in
both W.Ps.

Common Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent Land Acquisition Officer cum Competent Authority to consider the petitioners' written reply/claim statement/representation dated 25.02.2021 within stipulate time fixed by this Court.



WEB COPY

For Petitioner in
both WPs : Mr.R.Anandha Babu

For Respondents
in both WPs.

For R1 : Mr.S.Magesh
Central Government Standing Counsel

For R2 & R3 : Dr.S.S.Swaminathan

COMMON ORDER

These Writ Petitions have been filed to direct the third respondent Land Acquisition Officer cum Competent Authority to consider the petitioners' written reply/claim statement/representation dated 25.02.2021 within stipulate time fixed by this Court.

2. The case of the petitioners is that the petitioners owned the land comprised in survey No.70 to an extent of 19 acres, survey No.80 to an extent of 17 acres, survey No.85/1 to an extent of 7 acres and survey No.84/2 to an extent of 2 acres totally 45 acres and the land comprised in survey No.69/1 to an extent of 3 acres, survey No.65 to an extent of 16 acres, survey No.66/1 to an extent of 4 acres, survey No.61/1 to an extent of 19 acres, totally 42 acres, respectively situated at Neyveli Village, Uthukkottai Taluk, Tiruvallur District. While being so, the third respondent issued notice under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (herein after referred to as "the Act"), notifying that the subject lands were acquired for laying the natural gas pipeline for the purpose of transporting the natural gas in underground system, under the scheme of Ennore - Tiruvallur - Bangalore - Pondicherry - Nagapattinam - Madurai - Tuticorn pipeline project.

3. Thereafter the third respondent had issued declaration notice dated 18.04.2018 under Section 6(1) of the Act. Though the petitioners raised objections on 19.06.2020, the respondent without considering the same proceeded with the acquisition. Therefore, the petitioners requested to grant justifiable fair compensation and apportion solatium with crops damages. However, their request has not been considered and resulted in the present Writ Petitions.



4. Heard Mr.R.Anandha Babu, learned counsel appearing for the petitioners, Mr.S.Magesh, learned Central Government Standing Counsel appearing for the first respondent and Dr.S.S.Swaminathan, learned counsel appearing for the respondents 2 & 3 in both Writ Petitions.

5. It is seen that the third respondent by the communication dated 17.11.2021 informed the petitioners that on receipt of their representation, the District Collector, Tiruvallur, by his proceeding dated 11.06.2021 has fixed the land values for fixing the compensation for the subject land. Considering the same, the third respondent passed an award in No.2 of 2021 dated 18.06.2021, and the compensation amount has been deposited to the competent authority. In respect of the assessment of damages to the standing crops, the award has been passed in award No.34 of 2021 dated 24.08.2021. The disbursement of the compensation for the land and crop was done on 09.09.2021 and the land owners including the petitioners were communicated by the concerned officials.

6. In fact, the petitioners were present on 09.09.2021 in the office of the concerned Village Administrative Officer, and submitted another representation seeking different relief and also failed to come forward to receive the compensation. The compensation payable for each of survey numbers based on the market value fixed by the District Collector, Tiruvallur is mentioned as follows :-

In respect of the land owned by the petitioner in W.P.No.20152 of 2021:-

Sl.No	S.F.No	Extent			Market Value as determined by the District Collector per Ha in Rs.	10% of 1-times of the compensation for RoU area in Rs.
		Ha	Are	Sq.M		
1.	70	00	19	80	2965500	733961
2.	80	00	17	20	2965500	637583
3.	85	00	07	90	2965500	292843
4.	84/2	00	02	00	2965500	74138
	Total	00	46	90		1738525

In respect of the land owned by the petitioner in W.P.No.20559 of 2021:-



WEB COPY

Sl.No	S.F.No	Extent			Market Value as determined by the District Collector per Ha in Rs.	10% of 1- times of the compensation for RoU area in Rs.
		Ha	Are	Sq.M		
1.	69/1	00	03	15	2965500	116767
2.	65	00	16	35	2965500	606074
3.	66/1	00	04	30	2965500	159396
4.	61/1	00	19	45	2965500	720987
	Total	00	43	25		1603224

7.Further, insofar as the crop compensation for the above said lands, the same was assessed at Rs.3,91,568/- and 3,61,094/- respectively. The entire compensation awarded amount are available for disbursement in the account of the competent authority. If at all the petitioners are not satisfied with the award passed by the third respondent, the petitioners are at liberty to file appeal for enhancement of compensation as contemplated under Section 10(5) of the Act.

8.Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
Ministry of Petroleum and Natural Gas,
Government of India, Shastri Bhawan,
New Delhi - 110 001.

2. M/s. Indian Oil Corporation Limited,
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 0034.



WEB COPY

3. The Land Acquisition Officer,
Competent Authority,
Indian Oil Corporation Limited,
ATF, CBPL, CBRT & ET-LPG,
Pipeline Projects,
Plot No.14, Jayaprakash Street,
V.G.P.Nagar, Rajajipuram,
Tiruvallur - 602 001.

+1cc to Mr.R.Anandha Babu, Advocate SR.No.69432

+1cc to Mr.S.S.Swaminathan, Advocate SR.No.68836

+1cc to the Government Pleader SR.No.69579, 69580

+1cc to Mr.R.Anandha Babu, Advocate SR.No.69431(17/03/2022)

+1cc to Mr.S.S.Swaminathan, Advocate SR.No.68835(17/03/2022)

W.P.Nos.20152 & 20559 of 2021

KSM(CO)

GN(11/01/2022)