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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3689 of 2022

And

W.M.P.No.3849 of 2022

1.R.Ramesh

2.R.Raghu

... Petitioners

Vs.

1.The District Collector,
Coimbatore.

2.The Tahsildar
Pollachi Taluk, Coimbatore.

3.The Special District Revenue Officer (Land Acquisition),
National Highway No.209,
567, APJ Abdul Kalam Street,
Sennamanaickenpatty, Collectorate Post,
Dindigul.

4.The Project Director,
National Highway No.209,
No.1, Aishwarya Appt.,
1st Street, Indra Nagar,
Sennamanaickenpatty Post,
Thadikompu Road
Dindigal 624 004.

5.DP Jain and Co. Infrastructure Pvt. Ltd.,
Pollachi Project, U/6, Himalaya Accord Apartments,
Opposite Law College, Amravati Road,
Nagpur-440 010

Also at

DP Jain Infrastructure Pvt Ltd.,
Survey No.84/1,
Vadu Thottam, Opp.to Kamalam College,
Anthiyur, Poolankinar,
Pollachi-642 122.

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to relocate the pipelines laid by the petitioners in S.Nos.54, 60, 64, 130, 122, 168, 167/1, 154, 212, 152/2, 150 Kolarpatti Village, Pollachi Taluk, Coimbatore District and in S.Nos.496, 522 and 525 Gomangalam Village, Pollachi Taluk, Coimbatore District, in the underground, along the revised road margin as per the proposal to widen the Highway, before proceeding with Road widening work in these lands.

For Petitioners: Mrs.Chitra Sampath
Senior Counsel
for M/s.T.S.Baskaran

For Respondents: Mr.G.Krishna Raja
Additional Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to relocate the pipelines laid by the petitioners in S.Nos.54, 60, 64, 130, 122, 168, 167/1, 154, 212, 152/2, 150 Kolarpatti Village, Pollachi Taluk, Coimbatore District and in S.Nos.496, 522 and 525 Gomangalam Village, Pollachi Taluk, Coimbatore District, in the underground, along the revised road margin as per the proposal to widen the Highway, before proceeding with Road widening work in these lands.

2.The case of the petitioners is that the petitioners are brothers and they are the absolute owners of the properties in S.Nos.301/B, 301/C, 302, 303, 304/B, 305, 306/A, 304/A, 306/B, 307, 308/A and 308/B at Nallampalli Village, Pollachi Taluk, Coimbatore District and they also own lands in S.No.25/2B, Kolarpatti Village, Pollachi Taluk, Coimbatore District. There exists a well in S.No.25/2B and to irrigate the lands in S.Nos.301/B, 301/C, 302, 303 and 307, they have to take water from the said well. Hence, they made applications seeking permission to lay pipelines below the poromboke lands and permission to pay tax for the same.



3.The further case of the petitioners is that the Divisional Engineer vide letter dated 16.02.1996 informed the petitioners that permission to start the work to lay pipelines will be granted only after making payment of Rs.10,400/- towards alignment cost. Thereafter after following due procedures and making necessary payments, they laid pipelines in Government poromboke lands in S.Nos.54, 60, 64, 130, 122, 168, 167/1, 154, 212, 152/2, 150 in Kolarpatti Village, Pollachi Taluk and in S.Nos.496, 522 and 525 in Gomangalam Village, Pollachi Taluk. License for the same was granted to the petitioners for a period of five years initially and thereafter it was periodically renewed and they have license valid upto 20.09.2022.

4.The further case of the petitioners is that while such being the position, they received a letter dated 29.12.2021 from the fifth respondent who is a contractor engaged to do part of the work on the Highways stating that they are excavating the land for NHAI project from Madathukulam to Pollachi and that Kolarpatti area will be excavated and directed the petitioners to change the pipeline in the area. Hence, the petitioners issued legal notice dated 12.01.2022 to the respondents 3 to 5 calling upon them to desist from the road widening work in National Highways No.209 at Kolarpatti and Gomangalam Villages under their pipelines are relocated and appropriate compensation amount is paid, however, there was no response. Hence, this writ petition.

5.The learned Senior Counsel appearing for the petitioners submitted that in reply to the legal notice, the petitioners received a communication from the respondents directing them to send fresh representation for grant of permission to lay pipelines as per the Highways Ministry Guidelines dated 22.11.2016. Hence, this Court may permit the petitioners to make fresh representation to the respondents in terms of Highways Ministry Guidelines dated 22.11.2016 and fix an outer time limit to the fourth respondent to dispose of the said representation.

6.Considering the limited request made by the learned Senior Counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, permits the petitioners to make fresh representation to the respondents in terms of Highways Ministry Guidelines dated 22.11.2016, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the fourth respondent is directed to consider the same, on merits and in accordance with law and to pass appropriate orders, within a period of four weeks from the date of receipt of the representation.



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7.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

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+1cc to Mr.T.S.Baskaran, Advocate SR.No.13182

+1cc to the Government Pleader, SR.No.13775

W.P.No.3689 of 2022

And

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SPD(CO)

CB(22/03/2022)