

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29698 of 2011
and MP No.1 of 2011

K.Sathish Kumar

... Petitioner

Vs.

1. Union of India
Rep. By its Secretary to Government,
Petroleum and Natural Gas Department,
New Delhi
2. The Sepcial Tahsildhar-cum- Authorised Officer,
GAIL (I) Ltd.,
Hotel Salem Castle Campus,
Swarnapuri, Salem-4

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in and by his proceeding Tha. Pa. No.28/2011 (Thu.Aa) dt 18.11.2011 and to quash the same and consequently directing the 2nd respondent to consider the petitioners objection in the light of Section 7(1) of the Petroleum and Minerals Pipelines (Acquisition) Act 1962.

For Petitioner : Mrs.H.Suchithra

For Respondents : M/s.Ajmal Associates
for R2

O R D E R

This writ petition has been filed challenging the proceedings of the 2nd respondent in Tha. Pa. No.28/2011 (Thu.Aa) dt 18.11.2011 and for a consequential direction to the 2nd respondent to consider the petitioner's objection in the light of Section 7(1) of the Petroleum and Minerals Pipelines (Acquisition) Act 1962.

2. When the matter was taken up for hearing, the

learned Standing counsel appearing on behalf of the 2nd respondent brought to the notice of this Court the judgement of the Hon'ble Division Bench in WP No.23536 of 2012 etc., dated 21.01.2019 and submitted that the relief sought for in this writ petition is covered by the said judgement. A copy of the said judgement was also produced before this Court.

3. On going through the judgment, this Court finds that the issue involved in this writ petition is squarely covered by the Hon'ble Division Bench judgment. The relevant portions in the Division Bench judgment are extracted hereunder :-

44. No doubt, acquisition proceedings as well as acquisition of right of user in lands would cause some distress, hard feelings, inconvenience and difficulties and since public interest is involved, right of user of lands was acquired. It is also assured on behalf of GAIL that there is no prohibition to plant crops, which are not deep rooted after leaving some space and in fact such kind of activities are being done by farmers of Nariman at Ramanathapuram Districts.

45. GAIL shall take all necessary steps to convince the landowners/farmers since the project will develop industrialization and this Court expects that the Government of Tamil Nadu to extend its fullest cooperation and also made similar observations in paragraph No.73 of the order 25.11.2013 made in W.P.No.12897 of 2013 etc., batch.

46. In the result, all the Writ Petitions are dismissed. Interim orders granted, if any, shall stand vacated. No costs. Consequently, connected miscellaneous petitions are dismissed.

4. In the light of the above judgement of the Hon'ble Division Bench, this writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government, Union of India
Petroleum and Natural Gas Department,
New Delhi.
2. The Sepcial Tahsildhar-cum- Authorised Officer,
GAIL (I) Ltd.,
Hotel Salem Castle Campus,
Swarnapuri, Salem-4

W.P.No.29698 of 2011

VG-II(CO)
CT/18/07/2022