



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.35151 of 2012
and M.P.Nos.1 & 2 of 2012

N.Palanisamy

...Petitioner

-Vs-

1. The Union of India rep. by its
Under Secretary,
Ministry of Petroleum and Natural Gas,
Sasthri Bhavan,
New Delhi - 110 011.

2. The Deputy Collector/Competent Authority (ROU)
The Gas Authority of India Limited (GAIL)
Hotel Salem Castle Compound, Bharathi Street,
Swarnapuri, Salem - 4.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari Mandamus, calling for the records pertaining to the impugned notification dated 02.02.2012 in S.O.212(E) which covered under Karukalvadi Village, Omalur Taluk, Salem District in Survey Nos.180/2 of the petitioner noted in scheduled at page no.82 of the said notification for laying gas pipeline issued by the first respondent in the Gazette of India dated 02.02.2012 extra ordinary part-II and quash the same and direct the second respondent to conduct an enquiry as contemplated under Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 afresh.

For Petitioner : Mr.R.Ezhilarasan

For Respondents

For R2 : Mr.Ajmal Khan, Senior Counsel
For M/s.Ajmal Associates.

ORDER

The Writ Petition has been filed to call for the records pertaining to the impugned notification dated 02.02.2012 in S.O.212(E) which covered under Karukalvadi Village, Omalur



Taluk, Salem District in Survey Nos.180/2 of the petitioner noted in scheduled at page no.82 of the said notification for laying gas pipeline issued by the first respondent in the Gazette of India dated 02.02.2012 extra ordinary part-II and quash the same and direct the second respondent to conduct an enquiry as contemplated under Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 afresh.

2. Heard Mr.R.Ezhilarasan, learned counsel appearing for the petitioner and Mr.Ajmal Khan, learned Senior Counsel appearing for the second respondent.

3. The learned Senior Counsel appearing for the second respondent submitted that the issue raised in this Writ Petition has already been decided by the Hon'ble Division Bench of this Court by an order dated 21.01.2019 in W.P.Nos.23536 of 2012 etc., batch in the case of R.Chinnathurai v. Union of India and others in which, the Hon'ble Division Bench of this Court has observed as follows:-

"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 view of the above, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

rts
To

1. The Under Secretary,
Union of India,
Ministry of Petroleum and Natural Gas,
Sasthri Bhavan,
New Delhi - 110 011.
2. The Deputy Collector/Competent Authority (ROU)
The Gas Authority of India Limited (GAIL)
Hotel Salem Castle Compound, Bharathi Street,
Swarnapuri, Salem - 4.

+1 CC to Mr.R.Ezhilarasan, Advocate sr 1401

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and M.P.Nos.1 & 2 of 2012

PMK (CO)
SP (04/02/2022)