



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9131 of 2022

V.Madhu

...Petitioner

Vs.

- 1 The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat, Fort St.George, Chennai 600 009.
- 2 The District Collector,
District Collector Office,
Dharmapuri District.
- 3 The Authorised Officer,
VDPL Pipeline Project,
Hindustan Petroleum Corporation Ltd.,
Dharmapuri District.
- 4 The Special Tahsildar,
VDPL Pipeline Project, Dharmapuri District.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent in connection with the impugned order in Na. Ka. No. VDPL / CA / 6(1) Notice / DPI / Adamankottai / 01 dated 23.03.2022 and quash the same and consequently direct the respondents to lay pipelines in the available area of 25 feet from the side of the National Highway.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.P.Sathish RR1, 2 & 4
Additional Government Pleader
Mr.M.Vijayan
For M/s.King & Partridge R3



ORDER

This Writ Petition has been filed to quash the proceedings in Na. Ka. No. VDPL / CA / 6(1) Notice / DPI / Adamankottai / 01 dated 23.03.2022 on the file of the third respondent and consequently direct the respondents to lay pipelines in the available area of 25 feet from the side of the National Highway.

2. The case of the petitioner is that the petitioner and his family members are in peaceful possession and enjoyment of the property in S.No.88/2 of a total extent of 0.34.0 Hec. Situated at Athiyamankottai, Nalampalli Taluk, Dharmapuri District. The property originally belongs to her father in law. In the year 2006, the National Highways Department acquired the lands around 2900 Sq. m. which was owned by the petitioner, for the purpose of laying the road. Subsequently, the third respondent issued a notification for acquiring the remaining land for laying of pipelines. Therefore, the petitioner made the repeated representations to the respondents to lay the pipeline within the space of 25 Ft. which is available between the National Highways and the patta land. In the meanwhile, the respondents passed the impugned notice dated 23.03.2022. Challenging the same, the present writ petition has been filed with the afore said prayer.

3. The learned counsel for the petitioner submitted that the respondents has not laid any pipelines in the land belongs to the petitioner whereas the respondents laid the pipeline in the land belongs to the National Highways Department. Further, there was a dispute between the petitioner and the Highways Department with regard to the boundaries of the land, for which, the petitioner filed a suit in O.S.No.623/2021 on the file of the District Munsif Court, Dharmapuri for declaration. When the suit is pending for the disputed property, laying of the pipeline in the disputed property, which is not sustainable one. The action of the respondents in laying the pipeline without following any due process of law is subject matter of challenge herein. Hence, the learned counsel prays to allow the writ petition and quash the impugned order.

4. The learned Additional Government Pleader submitted that the respondents have already laid the pipeline in the disputed land on 11.01.2022 itself. Therefore, he prays to dismiss the writ petition.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the respondents issued notification with regard to the acquisition for laying the pipelines. The learned Special Government Pleader submitted that the respondents have already laid the pipelines in the said property. It has to be kept in mind that the pipeline is



being laid is public interest for transporting petroleum gas. Further more, any such interference at this stage, will result in irreparable loss to the interest of general public. Hence, this Court is not inclined to interfere with the impugned notice passed by the 4th respondent and this Court do not find any merit in this writ petition.

7. With the above observation, the writ petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy before the competent forum in the manner known to law.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat, Fort St.George, Chennai 600 009.
- 2.The District Collector,
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Dharmapuri District.
- 3.The Authorised Officer,
VDPL Pipeline Project,
Hindustan Petroleum Corporation Ltd.,
Dharmapuri District.
- 4.The Special Tahsildar,
VDPL Pipeline Project, Dharmapuri District.

+1cc to M/s.King & Partridge, Advocate SR. No. 25797
+1cc to Government Pleader SR. No. 26171

W.P.No.9131 of 2022

MG (CO)
PR (23/05/2022)