



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19550 of 2021

and

W.M.P.No.20831, 20834 and 20835 of 2021

N.M.Ravirajan @ Rajan

... Petitioner

vs.

- 1.The Secretary to Government
Ministry of Petroleum and Natural Gas,
Government of India,
New Delhi.
- 2.The Under Secretary to Government,
Ministry of Petroleum and Natural Gas,
Government of India,
New Delhi.
- 3.The Land Acquisition Officer -cum-
Competent Authority,
Indian Oil Corporation Limited,
ATF, CBPL, CBRT & ET-LPG, Pipeline Projects,
Plot No.14, Jayaprakash Street,
V.C.P.Nagar, Rajaipuram,
Tiruvallur - 602 001.
- 4.M/s.Indian Oil Corporation Ltd.,
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the notification No.S.O.1996 (E) dated 15.06.2017 under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 which was published in the Government of India Gazette (Extra Ordinary) dated 23.06.2017 and consequential declaration was made under Section 6(1) of the Act dated 15.03.2018 bearing



Notification vide S.No.1249(E) Published in the Gazette of India, Extra Ordinary (Part II Section 3(ii)) dated 20.03.2018 on the file of the 2nd respondent and consequential compensation award notice dated 28.05.2021 and quash the same with respect to the petitioner's land comprised in S.No.96/1 over an extent of 00.09.50 Ares in Thirukandalam Village, Uthukottai Taluk, Tiruvallur District in Patta No.57.

For Petitioner : Mr.M.Muthappan

For R1 and R2 : Mr.R.Madanagopal Rao
Standing Counsel

For R3 and R4 : D.S.S.Swaminathan

ORDER

The writ petition has been filed to issue a Writ of Certiorari, calling for the records relating to the notification No.S.O.1996 (E) dated 15.06.2017 under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 which was published in the Government of India Gazette (Extra Ordinary) dated 23.06.2017 and consequential declaration was made under Section 6(1) of the Act dated 15.03.2018 bearing Notification vide S.No.1249(E) Published in the Gazette of India, Extra Ordinary (Part II Section 3(ii)) dated 20.03.2018 on the file of the 2nd respondent and consequential compensation aware notice dated 28.05.2021 and quash the same with respect to the petitioner's land comprised in S.No.96/1 over an extent of 00.09.50 Ares in Thirukandalam Village, Uthukottai Taluk, Tiruvallur District in Patta No.57.

2. The case of the petitioner is that the petitioner owned land comprised in S.No.96/1 ad-measuring to an extent of 00.56.00 ares situated at Thirukandalam Village, Uthukottai Taluk, Tiruvallur District under Patta No.57. While being so, the employees of the 4th respondent are attempted to make a digging nearby the subject land and as such, the petitioner questioned about the same and he was informed that there was a notification and proposal for laying the pipeline of natural gas by the 4th respondent. Therefore, the petitioner obtained information under Right to Information Act, 2005 and found that the 2nd respondent had issued notification in S.O.1996 (E) dated 15.06.2017 under Section 3(1) of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (hereinafter called as the 'Act' for short) published in the Government of India Gazette dated 23.06.2017.



3. In pursuant to the said notice, the 3rd respondent issued notice under Section 3(1) of the Act dated 05.07.2017, thereby calling upon the land owners to submit their objections within a period of 21 days. The petitioner also came to understand that the said notice issued to wrong address and further endorsed in the said notice that the land owner was refused to receive the same and as such, it was served by affixture in the subject land. There was an enquiry and declaration was made under Section 6 of the Act. Thereafter, the 3rd respondent issued notice on 28.05.2021 under Section 10(1) of the Act and directed the petitioner to receive compensation to the tune of Rs.1,27,834/- for the subject land.

4. The learned counsel for the petitioner would submit that the notice under Section 3(1) of the Act dated 15.06.2017 in S.O.1996 (E) was published in the Government of India Gazette on 23.06.2017 and consequently, declaration under Section 6(1) of the Act, dated 15.03.2018 published in the Government of India Gazette dated 28.02.2018 are contrary to law and violation of principles of natural justice. The petitioner was not issued those notices and no notice served to him as per the rules. The 3rd respondent failed to conduct any enquiry as contemplated under Section 5(2) of the Act and without conducting any enquiry and without issuing any proper notice, made declaration under Section 6(1) of the Act.

5. He further submitted that the respondents violated the Rule 3(3) of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Rules, 1963 (hereinafter called as the 'Rules' for short). Accordingly, a copy of such notification shall be served in the manner laid down in Rule 8 of the Rules on every person who has been shown in the relevant revenue records as the owner of the land on the date of publication of the notification under sub-rule (1) or who, in the opinion of the Government Authority would be owner of or interested in such land. Rule 8 of the Rules says about the mode of service of notice. Accordingly, the petitioner was not served any notice and the respondents failed to comply the Rule 8 of the Rules and as such, the entire acquisition proceedings are vitiated and liable to be quashed.

6. On perusal of the counter affidavit dated 11.10.2021 filed by the 3rd respondent, revealed that the implementation of underground Ennore - Thiruvallur - Bengaluru - Puducherry - Nagapattinam - Madurai - Tuticorin R-LNG pipeline by the 4th respondent has been approved by the 1st respondent. The entire



process of acquisition has been carried out by the 3rd respondent on terms of the provisions of the Act. Accordingly, the notification under Section 3(1) of the Act was published for the land comprised in S.F.No.96/1 situated at Thirukandalam Village, Uthukottai Taluk, Tiruvallur District in the Central Gazette dated 15.06.2017. The details of the said notification by the notice dated 05.07.2017 in respect of the subject land was to be served through the concerned Village Administrative Officer on 08.08.2017. However, it was returned with an endorsement as 'refused to receive' and also 'the land owner not residing in village'.

7. Further, revealed that initially the said notice was refused by the person at the concerned place and thereafter, informed that the land owner was not residing in the village. Thereafter, based on the local enquiry, the notice was sent through RPAD and also by affixture at the subject land. The notification was also displayed at the prominent locations in the notice board in the office of the Village Administrative Officer, Thirukandalam on 03.07.2017, in the office of the Tahsildhar, Uthukottai on 30.06.2017, in the office of the Sub Collector, Tiruvallur on 07.07.2017 and in the office of the District Collector, Tiruvallur on 30.06.2017. That apart, the said notification was informed through 'Tom Tom' in the village on 03.07.2017. Therefore, the procedures as contemplated under the aforesaid Act have been duly followed with regard to service of notice to the interested persons. Thereafter, 9 objections were received from land owner and enquiry was conducted on the objections and orders were passed on the merits of the objections.

8. Insofar as the petitioner is concerned, he had not come forward with any objections and notification under Section 6(1) of the Act was published on 15.03.2018. It was also served through affixture through concerned Village Administrative Officer. Thereafter, it was published in the vernacular dailies on 06.06.2018 and displayed in the prominent locations in the offices of the Revenue Authorities. That apart, there is no diversion in particular place and using the petitioner's land for laying of pipelines. The pipelines away from the petitioner's land is originating from Manali and carrying petroleum products to Bengaluru via., Chittoor. The alignment of the pipeline of the said project has been done by the Technical Experts engaged by the 4th respondent.

9. In fact, as per Section 9(1) of the Act, the petitioner can utilize these lands as it was put in into use



before the notification of the land under Section 3(1) of the Act. However, the petitioner shall not construct any building or any other structure over the land. He shall not plant any tree on the land. The petitioner is only the Right of User of the Notified area is being acquired and as per Section 9(1) of the Act, the petitioner can utilize these lands as it was put in into use before the notification of the land under Section 3(1) of the Act. That apart, the petitioner is compensated for the damages incurred during pipeline laying and also 100% land compensation as per Section 10 of the Act and G.O.Ms.No.54 (Industries Department) dated 14.02.2020 issued by the Government of Tamil Nadu.

10. In view of the above, the respondents did not violate any of the rules as contemplated under the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Rules, 1963 and any of the provisions as contemplated under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. Therefore, the writ petition is devoid of merits and it is liable to be dismissed.

11. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to make an application for enhancement of compensation as provided under Section 10 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dm

To

1.The Secretary to Government
Ministry of Petroleum and Natural Gas,
Government of India,
New Delhi.



2.The Under Secretary to Government,
Ministry of Petroleum and Natural Gas,
Government of India,
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3.The Land Acquisition Officer -cum-
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4.M/s.Indian Oil Corporation Ltd.,
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.

+1 CC to Mr.S.S.Swaminathan, Advocate sr 2628
+1 CC to Mr.M.Muthappan, Advocate sr 3180.
+1 CC to The Government Pleader sr 3371.

W.P.No.19550 of 2021

GPL (CO)
SP (23/02/2022)