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W.P.No.30765 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30765 of 2022

Hindustan Petroleum Corporation Ltd.,
A Governemnt of India Enterprise,
Represented by its
Deputy General Manager-Retail,
Salem Retail Regional Office,
Level 4, “G.K.Towers”, Door No.395/2,
1st Main Road, New Fairlands,
Salem – 636 016. ... Petitioner

Vs.

- 1.The District Collector,
Fort, Salem – 636 001.
- 2.The Land Acquisition Officer and District Revenue Officer,
Salem District.
- 3.The Tahsildar,
Salem West,
Salem District.
- 4.The Divisional Engineer,
Tamil Nadu Highways (Construction and Maintenance),
Salem District. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus, directing the 1st and 2nd respondents together with the 3rd respondent to survey the lands comprised in S.Nos.49/1A & 49/1C, presently S.No.49/1, Block No.16, Town Survey No.2/2, Ward-M, Meyanoor Village, Salem District belonging to the petitioner pursuant to the application dated 14.12.2020 and 10.02.2022 and consequentially direct the respondent 1 and 2 to consider and dispose of the representation issued by the petitioner dated 27.05.2019, 28.08.2019, 10.09.2019, 14.12.2020 and 10.02.2022 within a stipulated time fixed by this Court.

For Petitioner : Mr.Mohammed Fayaz Ali

For Respondents : Mr.K.Karthik Jagannath
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct 1st and 2nd respondents together with the 3rd respondent to survey the lands comprised in S.Nos.49/1A & 49/1C, presently S.No.49/1, Block No.16, Town Survey No.2/2, Ward-M, Meyanoor Village, Salem District belonging to the petitioner pursuant to the application dated 14.12.2020 and 10.02.2022 and consequentially direct the respondent 1 and 2 to consider and dispose of the representations issued by the petitioner dated 27.05.2019, 28.08.2019, 10.09.2019, 14.12.2020 and



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10.02.2022 within a stipulated time fixed by this Court.

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2. The case of the petitioner is that the aforesaid property originally belongs to ESSO Standard Eastern Inc by virtue of a Sale Deed registered as Doc.No.4862 of 1967 dated 04.11.1967. Thereafter, the said ESSO Standard Inc was merged with petitioner Corporation. While so, the Government of Tamil Nadu issued a G.O.Ms.No.56 Highways and Minor Ports (HP-1) Department dated 14.05.2015 for the acquisition of the aforesaid lands for contruction of two-tier fly over a five road junction including the construction of flyover up to Ramakrishna junction and four road junction in Salem city at Alagapuram and Meyyanoor Villages, Salem West Taluk, Salem District. Thereafter, a show cause notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 was issued on 05.07.2017 and Section 15(1) notification was published in the Government Gazette on 18.04.2018 and another notice dated 12.12.2018 was issued by the Land Acquisition Officer/ DRO, Salem calling upon HPCL to attend an enquiry on 02.01.2019. A detailed representation along with supporting documents were also submitted and requested time till 31.03.2019. Despite receiving objections, the 2nd respondent/ Land Acquisition Officer without taking into



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consideration of the same, passed an Award dated 31.07.2020 and the same was communicated to HPCL through N.Shanmugam, who is a dealer operating the retail outlet.

3.While that being so, the 2nd respondent erroneously deposited the amount showing the above said Shanmugam as claimant before the Principal Judge, Salem. Therefore, the petitioner filed I.A.No.2 of 2021 in the said RTROP No.174 of 2020 to implead which was already allowed on 11.03.2021 and the same was referred to Lok Adalat and closed on 16.12.2021 with reserving the right to raise dispute pertaining to extent of land to the petitioner. The petitioner filed another petition in RTROP.No.140 of 2021 seeking additional compensation before the Principal District Judge, Salem. The petitioner after receipt of the letter No.27093/2016/B3 dated 09.10.2020 issued separate letters dated 14.12.2020 to the 2nd and 3rd respondent informing on discrepancy in the extent of land and re-survey the lands. On account of prolonged inaction by the 2nd respondent and also no response and action from 3rd and 4th respondents, the petitioner has filed this present Writ Petition.

4.The learned counsel for the petitioner submits that it would suffice



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if this Court issues direction to the respondents to consider the petitioner's representations dated 27.05.2019, 28.08.2019, 10.09.2019, 14.12.2020 and 10.02.2022 and pass orders on the same within a particular time frame fixed by this Court.

5. Mr.K.Karthik Jagannath, learned Government Advocate for the respondents submits that if any direction is given by this Court, the same will be complied with.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representations dated 27.05.2019, 28.08.2019, 10.09.2019, 14.12.2020 and 10.02.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.This Writ Petition is accordingly is disposed of. No costs.

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Speaking Order/ Non Speaking Order

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Index: Yes/ No
Internet: Yes/ No

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