



W.P.(MD).No.5198 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.5198 of 2012

and

M.P(MD)No.2 of 2012

S.Vimala Selvaraj

... Petitioner

Vs.

1.The Union of India,
Represented by under Secretary,
Ministry of Petroleum and Natural Gas,
Shasthri Bavan,
New Delhi-110 001.

2.Re-logistics Infrastructure Limited,
9-D/6-D, Ramakrishnapuram,
Opp to Pillaiyar Kovil,
Karur,
Tamil Nadu.

3.Competent Authority,
Re-logistics Infrastructure Limited,
9-D/6-D, Ramakrishnapuram,
Opp to Pillaiyar Kovil,
Karur,
Tamil Nadu.

4.S.Rajamanickam

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5.M/s.Reliance Gas Transportation Infrastructure
Limited (RGTIL),
Represented by its Director,
2nd Floor, Wing-B, Block 7,
Reliance Corporate Park,
Ghansoli,
Thane-Belapur Road,
Navi Mumbai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the Gazette of India dated 03.12.2010 part II-Section 3- Sub Section (II) in respect of Survey No.172 issued by the first respondent as well as the consequential notice made in Letter No. RELOG/CA/KAR/3(1)NT/13598 dated 22.02.2012 issued by the third respondent and quash the same.

For Petitioner : M/s.Bala Meenakshi
for Pala Ramasamy
For Respondents : Mr.M.Karunanithi
for R1
No Appearance
for R2 to R5

ORDER

The present writ petition has been filed challenging a land acquisition notification issued by the third respondent herein invoking



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the provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

2. As per the said notification, the third respondent, who is an authorised officer said to be an employee of a private concern has issued the impugned notification on 22.02.2012 for the purpose of laying a pipeline from Thiruthani to Tuticorin through Chennai. As per the said notification, laying of the pipelines has been approved by the Ministry of Petroleum and Natural Gas of the Central Government.

3. The said acquisition notification has been challenged by the writ petitioner mainly on the ground that the competent authority as per the impugned notification is none other than a person in the payroll of a private employer, namely Re-logistics Infrastructure Limited, which is arrayed as a second respondent in the writ petition. According to the learned counsel for the petitioner, an employee of a private concern cannot act as an authorized officer for acquisition of land under Petroleum and Minerals Pipelines (Acquisition of Right of User in



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Land) Act, 1962. The learned counsel for the petitioner brought to the notice of the court, a judgment of the Hon'ble Supreme Court reported in **(2011) 10 SCC 203 (Trilok Sudhirbhai Pandya Vs. The Union of India and others)** in paragraph no.17 as held as follows:

“17. The aforesaid reference to the various provisions of the Act shows that the competent authority has got vast powers, which affects the rights of persons interested in the land over which the pipeline is to be laid and on the reports of the competent authority, the Central Government and the State Government are to take decisions affecting the rights of persons interested in the land. Under the provisions of the Act, therefore, the competent authority does not merely determine the compensation at the first instance in accordance with the statutory rules as has been contended by the learned counsel for Respondent 4, but has to perform various other quasi-judicial functions which are normally performed by public servants whose pay, allowances and other incidents of service are met out of the public exchequer. If instead of public servants, a person is appointed whose pay, allowances and other incidentals are not paid out of the public exchequer but directly paid by a private employer such as Respondent 4, for whom



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the right of user is being acquired and by whom the compensation is payable, persons interested in the land will have reasonable grounds for assuming that such a competent authority, who is dependent on a private corporation for his salary, allowances, accommodation and transport allowances, will have a bias in favour of the private corporation.”

4. Based upon the above said observations, the Hon’ble Supreme Court has quashed the orders passed by the High Court, under which the determination of compensation made by the authorized officer were confirmed.

5. Though the second and third respondents have engaged a counsel, despite several adjournments, there is no representation for the second and third respondents.

6. A perusal of the impugned order clearly shows that the issue is squarely covered by the decision of the Hon’ble Supreme Court as stated supra. The impugned acquisition notification, dated 22.02.2012 issued by



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the third respondent is hereby set aside. However, this will not be an impediment for the appropriate authorities for initiating acquisition proceedings.

7. With the above said observations, this Writ Petition is allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

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To

The Secretary,
The Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bavan,
New Delhi-110 001.



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R.VIJAYAKUMAR ,J.

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Order made in
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