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*C.R.P.(NPD)No.2822 of 2019*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(NPD)No.2822 of 2019**

P.Chandrakumar

.. Petitioner

Vs.

The Petronet C.C.K.Limited,  
Represented by its Authorized Officer,  
Kochi-Kovai-Karur pipeline project,  
1694, Trichy Road, Ramanathapuram,  
Coimbatore – 45.

.. Respondent

(As per the direction of this Hon'ble Court, dated 15.07.2019 made in W.P.No.25702/2008, the Writ Petition has been converted into a Civil Revision Petition under Article 227 of the Constitution of India and in view of the objection raised by the Registry, 1<sup>st</sup> respondent in the cause title of W.P.No.25702/2008 has been deleted.)



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**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records pertaining to the Order, dated 25.03.2008 made in O.P.No.161/2003 on the file of the Ist Additional District Court, Coimbatore and set aside the same.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.T.C.Harinath  
Senior Counsel

### **ORDER**

This is a revision which arises against an Order passed by the learned Ist Additional District Judge, Coimbatore in O.P.No.161 of 2003. The proceedings commenced under Section 10(2) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. The petitioner has made two claims (i) for payment of compensation of Rs.7,50,000/- (Rupees seven lakhs and fifty thousand only) with respect to S.F.No.51/3 of Alagumalai village, then Coimbatore district now Thiruppur district and (ii) a claim with respect to the destruction of 'Kalam' by respondent for the purpose of laying the pipeline.



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2. When the matter is taken up for final hearing before me, Mr.T.C.Harinath, learned counsel appearing for Petronet C.C.K. Limited filed an affidavit on behalf of the respondent stating that the 'Kalam' which was destroyed by the respondent would be reconstructed. Today, both sides agreed that the 'Kalam' has been reconstructed to the satisfaction of both sides. Therefore, the second claim that has been made is fully satisfied. Insofar as the 1<sup>st</sup> claim is concerned, under Section 10(4) of Act, the respondent would be liable to pay compensation at 10 % of the market value of the lands under which the pipeline had been placed.

3. Mr.P.M.Duraisamy, learned counsel appearing for the petitioner/claimant would submit that originally the acquisition related only to Survey No.51/3 but subsequently, portions of Survey No.51/1 as well as Survey No.51/2 were taken over for the purpose of laying of pipeline. He would draw my attention to Page.21 of typed set of papers namely, the Proof Affidavit filed by the petitioner before the Trial Court to point out that the pipeline runs in the Survey Nos.51/1 and 51/3. He



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would also draw my attention to the cross examination made by the respondent to show that on the aspect of laying of pipeline subsequently, there has been no cross examination. Therefore, he would point out that he is entitled for compensation of the entire extent over which the pipeline has been laid.

4. Mr.T.C.Harinath would submit that insofar as this issue is concerned, it was not claimed in the petition and the petition was confined only to Survey No.51/3. I have to agree with Mr.T.C.Harinath that the petition was originally filed in O.P.No.161 of 2003 and was confined only to Survey No.51/3 of Alagumalai village. However, reading of the Advocate Commissioner's report together with the plan and the specific assertion made in the Proof Affidavit and the lack of serious cross examination in this aspect constrains me to come to the conclusion that apart from Survey No.51/3, other areas were also taken over by the respondent. The claim of compensation insofar as the laying of pipeline with respect to the other Survey numbers being absent, I am not in a position to reverse the finding of the Trial Court at this stage for



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the purpose of granting of compensation.

5. Therefore, the revision is allowed and remanded insofar as it relates to laying of pipeline with respect to Survey Nos.51/1 and 51/3 are concerned. The petitioner will be permitted to amend the claim petition and also adduce evidence with respect to the compensation payable with respect to both the Survey numbers.

6. I make it clear, the compensation that would be calculated should be as on the date of laying of pipeline and not during subsequent period. Insofar as the 'Kalam' is concerned, the issue has been settled and it cannot be reopened.

7. With the above observations, the Civil Revision Petition is allowed. No costs. The matter is remanded to the learned 1<sup>st</sup> Additional District Judge at Coimbatore for the purpose of assessing the value as per Section 10(4) with respect to Survey Nos.51/1 and 51/3 of Alagumalai village for the lands belonging to the petitioner.



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8. If the records have been received by this Court, Registry shall send back the records immediately for the purpose of enabling the learned District Judge to fix/arrive at the value.

9. Both the parties have agreed that they will appear before the Court on 01.11.2023. Accordingly, call the matter on 01.11.2023.

**29.09.2023**

Index:Yes/No  
Speaking Order :Yes/No  
Neutral Citation:Yes/No  
MKN2/VEDA

To

The Ist Additional District Court,  
Coimbatore



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**V.LAKSHMINARAYANAN,J.**

**MKN2/VEDA**

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