



W.P.(MD)No.4420 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4420 of 2021
and
W.M.P.(MD)No.3556 of 2021

Revathi

... Petitioner

Vs.

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

2.The Principal Secretary to Government of Tamil Nadu,
Revenue Department, Secretariate,
Chennai.

3.The Authorised Officer,
M/s.Indian Oil Corporation Limited,
SPRL Pipeline Scheme,
4B, Alexandria Road,
Trichy-620 001.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the third respondent to provide adequate compensation for laying pipeline in S.No.319/3b Punjai 06 cent of Mandaiyur Village, Kulathur Taluk and Pudukkottai District or shift it to elsewhere.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.K.Muraleedharan

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the third respondent to pay the compensation for laying the pipeline in the property belonging to the petitioner in Survey No.319/3B1A measuring to an extent of 6 cents at Mandaiyur Village, Kulathur Taluk and Pudukkottai District.

2.The specific case of the petitioner is that the petitioner is the owner of the subject property and pipeline has been laid in the plot belonging to the petitioner. Therefore, the petitioner has sought for payment of compensation. Since the same was not considered, the present writ petition has been filed.

3.The third respondent filed a detailed counter affidavit in this writ petition. On going through the same, it is seen that proceedings were initiated under Section 2-A of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as 'the Act' for the sake of brevity). The notification was published in the gazette of India on 26.08.2000



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proposing to acquire nearly 180 survey numbers and the property in Survey No. 319/3B1A was also made the subject matter of acquisition. Thereafter, notice under Section 3(1) of the Act was also served. Since no objections were raised, the third respondent proceeded further and acquired the property. Thereafter, compensation amount was fixed and an award was also passed. In view of the same, the third respondent has taken a stand that the property was acquired in accordance with law and therefore, the petitioner is not entitled for the relief sought for in the present writ petition.

4.The learned counsel for the petitioner submitted that the writ petitioner has been kept in dark and the petitioner was not aware of these proceedings. That apart, notice was not served on the petitioner and it was served only on Mr.Paulraj and Vaithialingam. This notice is said to have been served in the year 2000 and at which point of time, the petitioner had already become the owner of the property in the year 1997 itself. Hence, it was contended that the proceedings will not bind the petitioner and it is non est in the eye of law.

5.In the considered view of this Court, the attention of the petitioner has now been drawn to the acquisition proceedings. In view of the same, if the



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petitioner has not been put on notice and the proper procedure has not been followed, it is left open to the petitioner to challenge the acquisition proceedings in accordance with law. Without doing so, the petitioner cannot merely seek for payment of compensation. Except giving this liberty, no further orders can be passed in this writ petition.

6.This Writ Petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is also closed.

12.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Secretary to Government,
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Government of India,
New Delhi.
- 2.The Principal Secretary to Government of Tamil Nadu,
Revenue Department, Secretariate,
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N.ANAND VENKATESH, J.

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