



W.P.(MD) No.3041 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.3041 of 2022
and
W.M.P.(MD) Nos.2656 and 2658 of 2022**

T.Prema

... Petitioner

/vs./

- 1.The Commissioner,
Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai 600 005.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Melur,
Madurai District.
- 4.The Authorized Officer/Deputy Collector,
Indian Oil Corporation Limited,
ETBPNMTPL-Projects,
Old No.2/582, New No.2/643, 6th Main Road,
Gomathipuram,



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Madurai 625 020.
Madurai Division,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.33749/2021/B5 dated 13.09.2021 and quash the same as illegal and arbitrary as against the petitioner, subsequently directing the respondents to fix a proper valuation for the acquiring land of the petitioner.

For Petitioner : Mr.R.Sevugaraja

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

For R4 : Mr.K.Muralidharan

ORDER

The writ petition is filed for the issue of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent in Na.Ka.No.33749/2021/B5 dated 13.09.2021 and to direct the respondents to fix proper valuation for acquiring the land of the petitioner.



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2. The proceedings emanate from the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. The remedy available to the petitioner is spelt out in Section 10(2) therein. Instead of filing the appeal as contemplated therein, the petitioner has filed this writ petition, which is not maintainable.

3. Section 10(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 reads as under:

"10.(2). If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge."



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4. Therefore, the writ petition stands dismissed as not maintainable in the light of the alternate remedy. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

10.09.2024

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To

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2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
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P.T.ASHA, J.

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