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W.P.No.26639 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26639 of 2022

1.Rajendra Chordia
2.Santhosh Chordia
3.Rajshree Choudhary

..... Petitioners

VS.

1.The Government of India,
Rep. by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, Dr.Rajendra Prasad Road,
New Delhi.

2.The General Manager,
Southern Region Pipelines Limited,
No.6/13, House of Four Frames,
Wheat Croft Road, Seetha Nagar,
Nungambakkam, Chennai – 600 034.

3.The Authorized Officer,
Aviation Turbine Fuel (ATF),
Chennai – Bangalore Pipeline Scheme,
No.10, Thiru.Vi.Ka, Street,
Rajajipuram, Thiruvallore – 602 001.

4.The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to forthwith make necessary modifications in the FMB Sketch marking the right area of the pipeline, within the area of land acquired by the respondents as per the notification dated 29.03.2007 totalling to 2142 Squares Meters of land also to give a no objection certificate to develop the balance lands belonging to the petitioners in Survey No.116/1, 125 and 129 of Kundrathur Village and Taluk, Kancheepuram District and to construct a 9.0 metre road crossing the petitioner's land for effective use of the balance lands.

For Petitioners	: M/s.A.L.Gandhimathi Senior Advocate for Mr.S.Shju Suriya
For R1	: Mr.M.Karthikeyan
For R2 and R3	:Mr.Dr.S.S.Swaminathan
For R4	:Mr.G.Ameedius Government Advocate

ORDER

This writ petition is filed seeking a direction to the 4th respondent to make necessary modifications in the FMB Sketch marking the right area of the pipeline, within the area of land acquired by the respondents as per the notification dated 29.03.2007 totalling to 2142 Square Meters of land and also to give a no objection certificate to develop the balance lands belonging to the petitioners in Survey Nos.116/1, 125 and 129 of Kundrathur Village and Taluk, Kancheepuram District.



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2. It is the case of the petitioners that they are the absolute owners of the land with an extent of 0.30 cents in Survey No.129/1C2 of Kundrathur B Village. The first respondent herein by notification dated 29.03.2007 issued under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 declared its intention to acquire the right user in the lands specified in the schedule thereto for the purpose of laying pipeline for the transportation of Aviation Turbine Fuel (ATF) Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Meenambakkam Airport. Subsequently, the Section 6 declaration was issued under the Act on 29.03.2007, the lands which were acquired by the respondents measuring about 1260 sq. mts in S.No.116/1 and 882 sq.mts in S.No.129/1C. The land acquired for exercising right of user was also earmarked in the FMB sketch.

3. It is claimed by the petitioners that at the time of laying the pipelines, the Indian Oil Corporation without restricting itself to the lands which were acquired for exercising right of user as per the FMB, laid the pipelines in the different land which is not marked in the FMB sketch as the acquired lands.



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4. The petitioners submitted a representation dated 13.01.2022 before the second respondent requesting him to take over 677 sq.m of new area, over which the pipeline has been laid by the second respondent and to release 1489 sq.m of land, which was already acquired. The said representation has not been considered. Hence, the present writ petition has been filed seeking direction to the 4th respondent to conduct inspection and make necessary modification in accordance with law.

5. Since the petitioner claimed that pipeline laid by the second respondent is not well within the land acquired for exercise of right of user and the same is laid in the area belongs to the petitioners without expressing any opinion on the merits of the claim made by the petitioners, this Court is inclined to direct the second respondent to consider the representation of the petitioners dated 13.01.2022 and pass final orders on its own merits within a period of eight weeks from the date of receipt of copy of this order, after conducting proper site inspection in the presence of the petitioners. Based on the order passed by 2nd respondent, the petitioner can move the 4th respondent for necessary modification.



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6. Accordingly, this writ petition is disposed of. No costs.

20.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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Rep. by its Secretary,
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S.SOUNTHAR, J.

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