

Abdul Salam vs the Complete Authority Atf Pipe Line

Abdul Salam vs the Complete Authority Atf Pipe Line

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Court : Kerala

Decided On : Jan-19-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/6302/2010

Appellant : Abdul Salam

Respondent : The Complete Authority Atf Pipe Line

Judgement :

WP(C) NO. 6302 OF 2010 ABDUL SALAM S/O.MUHAMMED, KALATHIL HOUSE,VELIYATHUNAD,, U.C.COLLEGE, ALUVA. BY ADV SRI.M.K.ABOOBACKER

1 THE COMPLETE AUTHORITY ATF PIPE LINE PROJECT, XX/105, LAKSHMI BUILDINGS, BHARAT, PETROLEUM CORPORATION LTD, TRIPUNITHURA. 2 ADDL R2. THE BHARART PETROLEUM CORPORATION LTD IRIMPANAM INSTALLATION,P.O.IRIMPANAM,REPRESENTED BY ITS TERRITORY MANAGER .MR.T.PEETHAMBARAN (ADDL R2 IS IMPLEADED AS PER ORDER DATED 17-3-2010 IN IA 3704/10. SRI.V.J.ANAND SRI.P.BENNY THOMAS SRI.P.GOPINATH SRI.A.K.JAYASANKAR NAMBIAR SRI.K.JOHN MATHAI SMT.MARIAM MATHAI SRI.E.K.NANDAKUMAR SRI.M.PATHROSE MATTHAI SR. SRI.SAJI

VARGHESE

OTHER PRESENT: SRI.M.GOPIKRISHNAN NAMBIAR FOR ADDL.R2
ADMISSION ON 19.01.2023, ALONG WITH WP(C).37434/2009, THE -2-

WP(C) NO. 37434 OF 2009 1 MOHAMMAD MADANI.N.S.,
CHEMBIKATTIL HOUSE, VELIYATHUNADU, U.C.COLLEGE P.O.,
ALUVA. 2 SEMIN RAFI, CHEMBIKATTIL HOUSE, VELIYATHUNADU,
U.C.COLLEGE P.O., ALUVA. 3 O.V.IBRAHIM , ONJAPPURAM WEST,
VELIYATHUNAD, ALUVA. 4 BEEPATHU ,WO.IBRAHIM,
ONJAPPURAM, WEST VELIYATHUNAD, ALUVA. BY ADV
V.K.MOHAMMED YOUSUF 1 THE COMPETENT AUTHORITY/THE
DEPUTY COLLECTOR ATF PIPE LINE PROJECT, BHARAT,
PETROLEUM CORPORATION LTD., XX-105, 1ST FLOOR,, LAKSHMI
BUILDING, MAIN ROAD, TRIPUNITHURA. 2 ADDL. THE BHARATH
PETROLEUM CORPORATION LTD., IRIMPANAM INSTALLATION,
P.O. IRIMPANAM, REPRESENTED BY ITS TERRITORY MANAGER,
MR.T.PEETHAMBARAN. (IMPLEADED AS PER ORDER DATED
05.02.2010 IN IA 1205/2010) K.JOHN MATHAI P.BENNY THOMAS
P.GOPINATH (SR.) A.K.JAYASANKAR NAMBIAR MARIAM MATHAI
E.K.NANDAKUMAR (SR.) M.PATHROSE MATTHAI (SR.) SAJI
VARGHESE T.G SHAMEENA SALAHUDHEEN

ADMISSION ON 19.01.2023, ALONG WITH WP(C).6302/2010, THE -3-

P.V.KUNHIKRISHNAN, J.

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Dated this the 19th day of January, 2023

JUDGMENT

These writ petitions are connected and therefore, I am disposing of these writ
petitions by a common judgment. The petitioners are aggrieved for not paying

compensation as per the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (for short the Act, 1962). The petitioner has got alternative remedy. If that is the case, these writ petitions need not be retained.

2. The counsel for the 1st respondent submitted that the

maintainability of that petition is also disputed. I dont want to make any observation about the same. If the petitioner has got the right as per Section 10 of the Act, 1962, reserving that right, these writ petitions can be closed. -4- Therefore these writ petitions are closed reserving the right of the petitioners to approach the competent authority (District Court) as per Section 10 of the Act, 1962. I make it clear that the District Court is free to pass appropriate orders, in accordance to law, including the question of maintainability. sd/- P.V.KUNHIKRISHNAN JUDGE
das

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