

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 26 OF 2022

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P. (PETROLEUM) NOS.283 OF 2012 OF THE 1ST ADDITIONAL DISTRICT JUDGE, ERNAKULAM)

PETITIONER/PETITIONER:

SATHEESAN
AGED 58 YEARS
S/O NARAYANAN PILLAI, VETTIKATTU HOUSE, THENGODU KARA,
KAKKANADU VILLAGE, KANAYANNUR TALUK, ERNAKULAM
DISTRICT, PIN 682011, PIN - 682011

BY ADVS.
P.MARTIN JOSE
P.PRIJITH
R.GITESH
THOMAS P.KURUVILLA
HARIKRISHNAN S.
MANJUNATH MENON
AJAY BEN JOSE
SACHIN JACOB AMBAT

RESPONDENTS/RESPONDENTS:

- 1 THE DEPUTY COLLECTOR AND COMPETENT AUTHORITY (KERALA)
GAIL (INDIA) LIMITED, 2ND FLOOR, RUBICON BUILDINGS,
S.A.ROAD, VALANJAMBALAM, KOCHI, PIN - 682016
- 2 GAIL (INDIA) LIMITED KKMBMPL PROJECT,
REPRESENTED BY ITS GENERAL MANAGER, 10TH FLOOR,
REVENUE TOWER, PARK AVENUE ROAD, ERNAKULAM,
PIN - 682011

BY ADVS.
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED, SC,
LATHA ANAND (SC)R2

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 12.07.2023, ALONG WITH C.R.P.452/19, 453/19,
457/19, 458/19, 460/19, 461/19, 462/19, 633/19, 641/19, 642/19, 643/19, 17/
2022& 24/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 17 OF 2022

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM) NOS.277 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

PETITIONER/PETITIONER:

C.N.APPUKKUTTAN
AGED 63 YEARS
S/O NARAYANAN NAIR, CHENDAMVELIL HOUSE, THENGODU
KARA, KAKKANADU VILLAGE, KANAYANNUR TALUK, ERNAKULAM
DISTRICT,, PIN - 682011

BY ADVS.
P.MARTIN JOSE
P.PRIJITH
HARIKRISHNAN S.
THOMAS P.KURUVILLA
ANNA LINDA V.J
R.GITESH
HANI P.NAIR
ELDHO CHERIAN
AJAY BEN JOSE
MANJUNATH MENON

RESPONDENTS/RESPONDENTS:

- 1 THE DEPUTY COLLECTOR AND COMPETENT AUTHORITY
(KERALA),
GAIL (INDIA) LIMITED, 2ND FLOOR, RUBICON BUILDINGS,
S.A.ROAD, VALANJUAMBALAM, KOCHI, PIN - 682016
- 2 GAIL (INDIA) LIMITED KKBMPL PROJECT
REPRESENTED BY ITS GENERAL MANAGER, 10TH FLOOR,
REVENUE TOWER, PARK AVENUE ROAD, ERNAKULAM,
PIN - 682011

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 3

BY ADVS.
AJITH KRISHNAN
LATHA ANAND

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 24 OF 2022

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NOS.276 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

PETITIONER/PETITIONER:

C.N.APPUKKUTTAN
AGED 63 YEARS
S/O NARAYANAN NAIR, CHENDAMVELIL HOUSE, THENGODU
KARA, KAKKANADU VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT,, PIN - 682011

BY ADVS.
P.MARTIN JOSE
P.PRIJITH
AJAY BEN JOSE
THOMAS P.KURUVILLA
SACHIN JACOB AMBAT
R.GITESH
ELDHO CHERIAN
MANJUNATH MENON
HANI P.NAIR
HARIKRISHNAN S.
ANNA LINDA V.J

RESPONDENTS/RESPONDENTS:

- 1 THE DEPUTY COLLECTOR AND COMPETENT AUTHORITY
(KERALA),GAIL (INDIA)LIMITED, 2ND FLOOR, RUBICON
BUILDINGS, S.A.ROAD, VALANJAMBALAM, KOCHI,
PIN - 682016
- 2 GAIL (INDIA) LIMITED.
KKMBMPL PROJECT REPRESENTED BY ITS GENERAL MANAGER,
10TH FLOOR,REVENUE TOWER, PARK AVENUE ROAD,

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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ERNAKULAM, PIN - 682011

BY ADVS.

SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED, SC,
LATHA ANAND

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 453 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.276 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

M/S.GAIL (INDIA) LIMITED
KINFRA HI-TECH PARK, OFF. HMT ROAD,
HMT COLONY P.O, KALAMASSERY, KOCHI-683 503.

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)
SRI.RADHAKRISHNA PILLAI B
SHRI.SIDHARTH P.S.
SHRI.S.S VISHNU
SRI.ROHITH MOHAN

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

1 C.N.APPUKUTTAN
AGED 61 YEARS, S/O. NARAYANAN NAIR, CHENDAMVELIL
HOUSE, THENGODU KARA, KAKKANADU VILLAGE, KANAYANNUR
TALUK, ERNAKULAM DISTRICT - 682030

2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKB MPL PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFF. HMT ROAD,
HMT COLONY P.O, KALAMASSERY, KOCHI-683 503

BY ADVS.
SRI.S.SREEKUMAR (SR.)

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 7

SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 452 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.397 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2nd RESPONDENT:

GAIL (INDIA) LTD.
KINFERS HI-TECH PARK, OFF.HMT ROAD, HMT COLONY
P.O.KALAMASSERY, KOCHI-683 503.

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)
SRI.RADHAKRISHNA PILLAI B
SHRI.SIDHARTH P.S.
SHRI.S.S VISHNU
SRI.ROHITH MOHAN

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

- 1 MUKUNDAN.E.A.
AGED 49 YEARS
S/O APPU, KOTTATHARA HOUSE, THENGODU P.O.,
KAKKANADU VILLAGE, KANAYANNUR TALUK, ERNAKULAM
DISTRICT-682 030
- 2 ACHUTHAN E.A,
AGED 47 YEARS
S/O APPU, KOTTATHARA HOUSE, THENGODU P.O.KAKKANADU
VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT-682
030

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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- 3 CHELLAMMA,
AGED 65 YEARS
W/O APPU, KOTTATHARA HOUSE, THENGODU P.O.KAKKANADU
VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT-682
030
- 4 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKBMPL PROJECT, GAIL
INDIA LTD, KINFRA HI -TECH PARK, OFF. HMT ROAD, HMT
COLONY P.O.KALAMASSERY, KOCHI-683 503.

BY ADVS.
JOHN JOSEPH (ROY)
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 458 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.253 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

M/S. GAIL (INDIA) LTD.
KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT COLONY P.O.
KALAMASSERY, KOCHI-683503.

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

1 YACOB NO.I
AGED 54 YEARS, S/O. IYPE, NAVULLIL HOUSE,
THENGODU P.O, KAKKANADU VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT-682030.

2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKBMPL PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT
COLONY P.O, KALAMASSERY, KOCHI-683503.

BY ADVS.
JOHN JOSEPH (ROY)
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 11

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 457 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.283 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

M/S.GAIL (INDIA) LTD.
KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT COLONY P.O,
KALAMASSERY, KOCHI-683503.

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

1 SATHEESAN
AGED 40 YEARS, S/O. NARAYANAN PILLAI, VETTIKATTU
HOUSE, THENGODU KARA, KAKKANADU VILLAGE, KANAYANNUR
TALUK, ERNAKULAM DISTRICT-682030.

2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKBMPL PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFF.HMT ROAD,
HMT COLONY P.O, KALAMASSERY, KOCHI-683503.

BY ADVS.
SRI.S.SREEKUMAR (SR.)
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED
SRI.P.MARTIN JOSE

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 12

SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SHRI.HARIKRISHNAN S.

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 13

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 460 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.233 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

GAIL (INDIA) LTD
KINFRA HI-TECH PARK, OFF. HMT ROAD, HMT COLONY
P.O., KALAMASSERY, KOCHI - 683 503. REPRESENTED BY
ITS GENERAL MANAGER

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

- 1 BHASKARAN
S/O. NARAYANAN, AGED 64 YEARS, AMABATTUPARAMBIL
HOUSE, THENGODU P.O., KAKKANAD VILLAGE , KANAYANNUR
TALUK, ERNAKULAM DISTRICT - 682 030.
- 2 CHANDRASEKHARAN,
S/O. NARAYANAN, AGED 63 YEARS, AMABATTUPARAMBIL
HOUSE, THENGODU P.O., KAKKANAD VILLAGE , KANAYANNUR
TALUK, ERNAKULAM DISTRICT - 682 030.
- 3 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKB MPL PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFFICE HMT ROAD,

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 **14**

HMT COLONY P.O., KALAMASSERY, KOCHI - 683 503.

BY ADVS.
JOHN JOSEPH (ROY)
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 461 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.277 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

M/S.GAIL (INDIA) LIMITED
KINFRA HI-TECH PARK, OFF, HMT ROAD, HMT COLONY P.O,
KALAMASSERY, KOCHI-683503. REPRESENTED BY ITS
GENERAL MANAGER

BY ADVS.
K.ANAND (SR.)
SMT.LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

1 C.N.APPUKUTTAN, AGED 60 YEARS
S/O. NARAYANAN NAIR, CHENDAMVELIL HOUSE, THENGODU
KARA, KAKKANADU VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT-682030.

2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKB MPL PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT
COLONY P.O, KALAMASSERY, KOCHI-683503.

BY ADVS.
SRI.S.SREEKUMAR (SR.)
SRI.AJITH KRISHNAN, SC, COMPETENT AUTHORITY, GAIL
(INDIA) LIMITED

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 16

SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 17

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 462 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.166 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

REVISION PETITIONER/2ND RESPONDENT:

GAIL (INDIA) LTD
KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT COLONY.P.O.,
KALAMASSERY, KOCHI-6873503 REPRESENTED BY ITS
GENERAL MANAGER

BY ADVS.
LATHA ANAND
SRI.M.N.RADHAKRISHNA MENON
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

1 K K ALIAS
AGED 53 YEARS
S/O.K.C. KURIAN, KIZHAKKE THENATTU MOOLAYIL HOUSE,
THENGODU PO, KAKKANADU VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT-682030

2 THE DEPUTY COLLECTOR
COMPETENT AUTHORITY(KERALA), KKBMP PROJECT, GAIL
INDIA LTD, KINFRA HI-TECH PARK, OFF.HMT ROAD, HMT
COLONY.P.O., KALAMASSERY, KOCHI-683503

BY ADV JOHN JOSEPH (ROY)

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 641 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.166 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

PETITIONER/PETITIONER

K.K.ALIAS
AGED 53 YEARS
S/O. K.C. KURIAN KIZHAKKETHENATTUMOOLAYIL HOUSE,
THENGODE P.O., KAKKANADU VILLAGE, KANAYANNOORE
TALUK, ERNAKULAM DISTRICT 682 030.

BY ADVS.
JOHN JOSEPH (ROY)
SRI.JOHNSON THOMAS

RESPONDENTS/RESPONDENTS :

- 1 THE GAIL INDIA LTD.
KKBMP L PROJECT REPRESENTED BY ITS GENERAL MANGER,
10TH FLOOR, REVENUE TOWER, PARK AVENUE ROAD,
ERNAKULAM 682 011.
- 2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA) KKBMP L PROJECT, GAIL
INDIA LTD. 10TH FLOOR, REVENUE TOWER, PARK AVENUE
ROAD, ERNAKULAM 682 011.

BY ADV AJITH KRISHNAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 19

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 633 OF 2019

(AGAINST THE ORDER DATED 30/03/2019 IN O.P.(PETROLEUM)NO.253
OF 2012 OF THE 1ST ADDITIONAL DISTRICT JUDGE, ERNAKULAM)

PETITIONER/PETITIONER:

YACOB.N.I.
AGED 54 YEARS
S/O IYPE, NAVULLIL HOUSE, THENGODE P.O.,KAKKANADU
VILLAGE, KANAYANOORE TALUK, ERNAKULAM DISTRICT,
PIN-682 030.

BY ADVS.
JOHN JOSEPH (ROY)
SRI.JOHNSON THOMAS

RESPONDENTS/RESPONDENTS:

- 1 THE GAIL INDIA LTD,
KKB MPL PROJECT REPRESENTED BY ITS GENERAL MANAGER,
10TH FLOOR, REVENUE TOWER, PARK AVENUE ROAD,
ERNAKULAM-682 011.
- 2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA)KKB MPL PROJECT, GAIL
INDIA LTD, 10TH FLOOR, REVENUE TOWER, PARK AVENUE
ROAD, ERNAKULAM-682 011.

BY ADV AJITH KRISHNAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 20

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 642 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.397 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

PETITIONERS/PETITIONERS:

- 1 MUKUNDAN E.A.,
AGED 48 YEARS
S/O.APPU, KOTTATHARA HOUSE, THENGODE P.O.,
KAKKANADU VILLAGE, KANAYANNORE TALUK, ERNAKULAM
DISTRICT, PIN - 682 030.
- 2 ACHUTHAN E.A.,
AGED 47 YEARS
S/O.APPU, KOTTATHARA HOUSE, THENGODE P.O.,
KAKKANADU VILLAGE, KANAYANNORE TALUK, ERNAKULAM
DISTRICT, PIN 682 030.
- 3 CHELLAMMA,
AGED 65 YEARS
W/O.APPU, KOTTATHARA HOUSE, THENGODE P.O.,
KAKKANADU VILLAGE, KANAYANNOORE TALUK, ERNAKULAM
DISTRICT, PIN - 682 030.

BY ADVS.
JOHN JOSEPH (ROY)
JOHNSON THOMAS

RESPONDENTS/RESPONDENTS:

- 1 THE GAIL INDIA LTD.,
KKBMP L PROJECT REPRESENTED BY ITS GENERAL MANGER,
10TH FLOOR, REVENUE TOWER, PARK AVENUE ROAD,

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 **21**

ERNAKULAM - 682 011.

2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKB MPL PROJECT, GAIL
INDIA LTD., 10TH FLOOR, REVENUE TOWER, PARK AVENUE
ROAD, ERNAKULAM -682 011.

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945

CRP NO. 643 OF 2019

(AGAINST THE COMMON ORDER DATED 30/03/2019 IN O.P.
(PETROLEUM)NO.233 OF 2012 OF THE 1ST ADDITIONAL DISTRICT
JUDGE, ERNAKULAM)

PETITIONERS/PETITIONERS:

- 1 BHASKARAN
AGED 64 YEARS
S/O. NARAYANAN, AMBATTUPARAMBIL HOUSE, THENGODE
P.O., KAKKANADU VILLAGE, KANAYANNOORE TALUK,
ERNAKULAM DISTRICT, PIN-682 030
- 2 CHANDRASEKHARAN
AGED 62 YEARS
S/O. NARAYANAN, AMBATTUPARAMBIL HOUSE, THENGODE
P.O., KAKKANADU VILLAGE, KANAYANNOORE TALUK,
ERNAKULAM DISTRICT, PIN-682 030

BY ADVS.
JOHN JOSEPH (ROY)
SRI.JOHNSON THOMAS

RESPONDENTS/RESPONDENTS:

- 1 THE GAIL INDIA LTD.
KKB MPL PROJECT, REPRESENTED BY ITS GENERAL MANAGER,
10TH FLOOR, REVENUE TOWER, PARK AVENUE ROAD,
ERNAKULAM-682 011
- 2 THE DEPUTY COLLECTOR,
COMPETENT AUTHORITY (KERALA), KKB MPL PROJECT, GAIL
INDIA LTD., 10TH FLOOR, REVENUE TOWER, PARK AVENUE
ROAD, ERNAKULAM-682 011

VERDICTUM.IN

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
458/19,460/19,461/19,462/19,633/19,641/19,
642/19,643/19,17/2022 & 24/2022 23

BY ADVS.
SMT.LATHA KRISHNAN, SC, SANSKRIT UTY.
AJITH KRISHNAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 12.07.2023, ALONG WITH CRP.26/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CRP Nos. 26 OF 2022, 452/19,453/19,457/19,
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642/19,643/19,17/2022 & 24/2022 **24**

CR

JUDGMENT

C.R.P.No.452/2019, 453/2019, 457/2019, 458/2019, 460/2019, 461/2019 and 462/2019 are by GAIL INDIA LIMITED, the respondent before the District Court, wherein the proceedings were initiated under Section 10(2) of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as 'PMP Act' for short). Notification under Section 3(1) of the Act was issued on 12/03/2010 and notification under Section 6(1) of the Act was issued on 3/9/2010. The competent authority notified under the Act thereon passed an award fixing the compensation, against which the respective owners of the property had taken up the matter before the District Court under Section 10 of PMP Act for enhancement of

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compensation in accordance with the provisions contained in the Act. The District Court in turn re-assessed the compensation under Section 10(3) of PMP Act as ten times of notified fair value of the land by relying on the State Government notification - G.O.(Rt)No.5165/2017/RD dated 01/12/2017, by a common order, against which, the petitioner - M/s GAIL (INDIA) Ltd. came up in C.R.P.No.452/2019, 453/2019, 457/2019, 458/2019, 460/2019, 461/2019 and 462/2019 against the order in O.P.(PMP) 397, 276, 283, 253, 233, 277 and 166 of 2012 respectively. The respective claimants preferred C.R.P.Nos.642/2019, 24/2022, 26/2022, 633/2019, 643/2019, 17/2022 and 641/2019 respectively, dis-satisfied with the quantum of compensation.

2. Earlier, W.P.(C)No.2133/2020 was filed by the land holders, whose lands were acquired under notification dated 03/09/2010 claiming that the

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above mentioned Government Order dated 01/12/2017 should be made applicable to their lands also. The writ petition was dismissed by judgment dated 16/03/2022 holding that the G.O. cannot be made applicable to the lands covered under notification dated 03/09/2010.

3. The question came up for consideration is pertaining to the legal sanctity of the abovesaid State Government Order in the matter of fixation of compensation under Section 10 of the PMP Act. The abovesaid notification was issued based on a decision taken in a meeting chaired by Honourable Chief Minister on 11/11/2017 in partial modification of earlier orders issued viz., (1) G.O.(Rt) No.7325/2012/RD dated 29/12/2012 (2) G.O.(Rt) No.3195/2013/RD dated 04/06/2013 (3) G.O.(Rt) No.5436/2016/RD dated 16/12/2016 (4) G.O.(Ms) No.45/2017/RD dated 06/02/2017, by which the market value for the purpose of computing land compensation

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under Section 10 of PMP Act, 1962 has to be taken as ten times of the notified fair value of the land. Clause (IV) of the said Government Order says that compensation at the above rates shall be payable in respect of all property through which the GAIL Pipeline passes in Kerala right from the beginning of construction activity in January, 2012. The relevant portion of the order are extracted below for reference:

"I. The market value for the purpose of computing land compensation under Section 10(4) of the Petroleum and Mineral Pipelines Act, 1962 shall be taken as 10 times the notified fair value of the land.

II. *****

III. *****

IV. Compensation at the above rates shall be payable in respect of all property through which the GAIL Pipeline passes in Kerala right from the beginning of construction activity in January, 2012."

4. It is Section 10 of PMP Act, 1962, which governs the area to determine the compensation payable or adequacy of compensation payable to the

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parties or liability thereof, which is extracted
below for reference:

"Section 10 - Compensation

(1) Where in the exercise of the powers conferred by section 4, section 7 or section 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the Central Government, the State Government or the corporation, as the case may be, shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

(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.

(3) The competent authority or the District Judge while determining the compensation under sub-section(1) or sub-section(2), as the case may be, shall have due regard to the damage or loss sustained by any person interested in the land by reason of--

(i) the removal of trees of standing crops, if any, on the land while exercising the power under section 4, section 7 or section 8;

(ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person; or

(iii) any injury to any other property, whether movable or immovable, or the

earnings of such persons caused in any other manner:

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the notification under sub-section(1)of section 3.

(4) Where the right of user of any land has vested in the Central Government, the State Government or the corporation , the Central Government, the State Government or the corporation , as the case may be, shall, in addition to the compensation, if any, payable under sub-section(1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent. of the market value of that land on the date of the notification under sub-section(1)of section 3.

(5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the District Judge referred to in sub-section(2), be determined by that District Judge.

(6) The decision of the District Judge under sub-section(2)or sub-section(5)shall be final.

(emphasis supplied)

5. The competent authority notified under the PMP Act will have certain powers of civil court to summon witness, enforce their attendance, to record

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evidence, summon documents etc. under Section 12 of the Act. Section 14 of the PMP Act is the debarring provision of jurisdiction of civil court. Going by the abovesaid provisions, it is clear that the State Government or any other authority under the State Government cannot dictate any terms in the matter of fixation of compensation and there is no provision for issuing any notification or order by the State Government under the said Act, including Section 10. The argument advanced by the claimants that sub-section (4) of Section 10 of the Act would enable the State Government to issue a notification/order regarding fixation of compensation cannot be sustained simply on the reason that it is only a provision dealing with payment of compensation when the right of user of any land has been vested with the Central Government or State Government as the case may be. Even Section 17 of the Act does not authorise the State

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Government to issue any notification/order for the purpose of carrying out the provisions of the abovesaid Act. The Central Government alone can issue a notification in that behalf. In the Rules framed by the Central Government viz., the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, there is no provision enabling the State Government to dictate terms or to interfere with the matter of fixation of compensation or to issue any order/notification in that behalf.

In short, the meeting convened on 11/11/2017 may not have any relevance pertaining to fixation of compensation either by the competent authority under the Act or the District Court empowered under Section 10 of the Act. Necessarily, the Government Order issued - G.O.(Rt)No.5165/2017/RD dated 01/12/2017 directing to fix the compensation as ten times of notified fair value of land and the earlier

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orders referred above have no legal sanctity in the matter of fixation of compensation under Section 10 of the PMP Act. Neither the competent authority nor the District Court is bound by the said Government order as there is no provision for issuing any such order under the PMP Act. In fact, it is not within the legislative competence of State Government to dictate any Rule or any provision in the matter of determination of compensation covered by PMP Act. Hence, the said notification cannot be read as part of the enactment or any document having binding force pertaining to the matter which would come under the purview of Section 10 of the PMP Act. Necessarily, the fixation of compensation by the District Judge based on the abovesaid notification, especially based on clause I and IV of the said Government Order cannot be sustained as it is against the provisions of PMP Act.

6. Hence, the impugned orders passed by the

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District Court will stand set aside and the matter is remanded back to the District Court for fresh disposal. The District Court is hereby directed to fix the compensation taking into account the mandate under Section 10 of the special enactment viz., PMP Act and also by applying the general and normal principle governing the area. The parties shall appear before the District Court on 17/08/2023 for the said purpose.

All the Revision Petitions will stand allowed accordingly.

Sd/-

P. SOMARAJAN
JUDGE

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