
(2010) 08 GAU CK 0140
In the Gauhati High Court
Case No : PIL No. 14 of 2010

Laishram Indrakumar Singh APPELLANT
Vs
Union of India (UOI) and Others RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 12, 4(1), 6

Citation : (2010) 08 GAU CK 0140

Hon'ble Judges : Madan B. Lokur, J; Ashok Potsangbam, J

Bench : Division Bench

Advocate : N. Mahendra, for the Appellant; N. Koteswar Singh and Viscount, for the Respondent

Final Decision : Dismissed

Judgement

Madan B. Lokur, C.J.—The grievance of the Petitioner in this Public Interest Litigation is directed against that the Respondents who are proposing to construct a 400 KV Sub-Station of Power Grid Corporation Ltd. at 79 Yurembam village. It is submitted that the sub-station is being constructed on agricultural land which is a scarce resource in the State of Manipur and therefore, the Respondents should be directed to construct the Sub-Station on some other parcel of land.

2. The second prayer of the Petitioner is to quash the acquisition of land for the purpose of construction of the Sub-Station as above.

3. At the outset, we may note that the acquisition has been completed inasmuch as not only has the Notification u/s 6 of the Land Acquisition Act ("the Act") been issued, but an Award u/s 11 of the Act has also been passed on 10.5.2010 by the Collector, Land Acquisition, Imphal West District. In terms of Section 12 of the Act, since the acquisition is complete no further steps can be taken in this regard by this Court.

4. More importantly, we find that there is nothing to suggest that the Petitioner is

the owner of the land in question and it is admitted by learned Counsel for the Petitioner that the Petitioner does not own the acquired land. Therefore, the Petitioner has no direct concern with the acquisition of the land belonging to somebody else and so, he is not even an effected party. If anybody has any grievance with regard to the acquisition of the land it can only be the land owner and not a third person. In this case, the land owner has not challenged the acquisition proceeding. In that view of the matter, the Petitioner has no locus standi to challenge the acquisition of some piece of land on a ground that purports to be public interest.

5. Insofar as the location of the Sub-station is concerned, this is a matter within the domain of the Respondents. It is the experts alone who can decide where to locate a Sub-station and the other relevant factors required to be taken into consideration while locating the sub-station. Merely because the Petitioner feels that the sub-station should be located at some other place is not good enough reason for this Court to interfere in the matter.

6. It appears to us that if the Petitioner had any genuine grievance with regard to the location of the sub-station, it would have been more appropriate for him to have made a representation to the Respondents and challenged the process of acquisition when it was initiated by the notification u/s 4(1) of the Act on 12.6.2009. It is now too late for the Petitioner to contend, apparently in public interest, that the sub-station should be located somewhere else and the acquisition of land should be quashed. With no substantive challenge having been made at the appropriate time, this is not a matter in which this Court should interfere at this late stage.

7. Under the circumstances we find no merit in this writ petition. It is accordingly dismissed.