

(2014) 05 P&H CK 0383

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 11999 of 2012 (O & M)

Mohan Lal Saggar and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 06-05-2014

Acts Referred:

Constitution of India, 1950 — Article 14, 19(1)(g), 226
Land Acquisition Act, 1894 — Section 5A
Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 —
Section 10, 10(4), 3, 3(1), 4
Punjab Municipal Act, 1911 — Section 192(c)
Punjab Regional and Town Planning and Development Act, 1995 — Section 75(2), 79,
80

Citation : (2014) 4 RCR(Civil) 288

Hon'ble Judges : Sanjay Kishan Kaul, C.J;Arun Palli, J

Bench : Division Bench

Advocate : D.S. Siroha, Advocate for the Appellant; Gurmail Singh Duhan, Advocate for Respondent No. 1, Dr. Anmol Rattan Sidhu, Sr. Advocate and Mr. Balwinder Singh Jolly, Advocate for Respondents Nos. 2 to 6, Mr. Hari Pal Verma, Addl. A.G., Punjab for Respondents Nos. 7, 11 to 13, Ms. Amanpreet Kaur, Advocate for Mr. Harit Sharma, Advocate for Respondents Nos. 8 to 10, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Arun Palli, J.—This petition, styled and stated to have been filed in public interest, assails the notifications dated 11.11.2010 and 16.06.2011 u/s 3(1) and notifications dated 26.03.2011, 31.05.2011 and 08.11.2011 u/s 6(1) of the Petroleum and Mineral Pipeline (Acquisition of Right of User of Land) Act, 1962 (for the sake of brevity, hereinafter referred to as the P & MP Act, 1962).

2. It is deemed apposite to point out, at the threshold, that the purpose of acquisition, vide notifications being assailed, was/is to lay out a pipeline for transportation of natural gas through Bawana-Nangal and spurs pipeline project in the State of Punjab, in public interest.

3. Briefly, what is set out in the petition is, that the petitioners are residents of Village Duley and Chubki, Tehsil and District Ludhiana. It is stated that respondents no. 1 to 6 have laid down a gas pipeline from Mathura Refinery to Refinery at Bathinda for supply of natural gas. To divert the natural gas towards Jalandhar, respondents no. 1 to 6 have set up a diversion in the agricultural land of Village Bhutta, as depicted at point-D in the master plan. It is stated that the master plan of Ludhiana was notified by the State of Punjab, vide drawing no. D.T.P. (L) 2/2008 dated 24.02.2008/24.07.2008, under the Punjab Regional and Town Planning and Development Act, 1995 (for the sake of brevity-PRTPD 1995 Act). It is averred that the gas pipeline is to pass through different villages such as Shankar-Ghawaddi-Bool-Kila Raipur-Asi Kalan, and in the master plan, these villages are depicted within the agricultural zone. The villages of the petitioners i.e. Duley and Chubki, which are also under acquisition, along with certain other villages, form part of a residential zone in the master plan.

4. The grievance being expressed by the petitioners is that the proposed gas pipeline is being diverted illegally and unlawfully through the villages, which fall within the residential zone in the notified master plan. A reference is made to the proviso to Section 7 of the P & MP Act, 1962 to state that no gas pipeline can be laid through the land that was being used for the residential purpose, immediately before the issuance of a notification u/s 3 of the said Act. Likewise, it is stated, that Section 9 postulates that the acquisition of right of user in the land would not effect the right of owner to use the land for the purpose, it was being used immediately before the issuance of notification u/s 3. However, the proviso to the said provision signifies that no owner or occupier, post declaration u/s 6(1), can construct any building or any other structure. This, restricts the right of the petitioners to use the area for residential purpose, though the same forms part of a residential zone. The acquisition, thus, to acquire a right of user in the land of the petitioners, for the purpose of laying the pipelines, is averred to be in serious breach of the master plan as well as proviso to Section 7 and Section 9 of the Act. It is stated that the petitioners never received any notice of the notifications under Sections 3 and 6 of the Act, as required under Rule 8 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in the Land) Rules, 1963 (for brevity-1963 Rules). Though, having come to know of the proposed acquisition, the petitioners had series of meetings with respondents no. 2 to 6 at their local office in Ludhiana, regional office at Chandigarh and even with their General Manager at Noida (U.P.).

5. The respondents are inculpated of having trespassed into the land of the petitioners on 22.05.2012 and started the process of digging the land with police help. The petitioners are stated to have approached this Court even earlier, vide a Civil Writ Petition No. 11770 of 2012 (PIL), for quashing the notifications issued under Sections 3(1) and 6 of the Act. This Court directed the respondents no. 1 to 6 to supply the copy of notifications to petitioner no. 1. Accordingly, he was supplied copies of all the notifications as well as a copy of the plan of the proposed gas pipeline. Thus, vide this petition, the said notifications under

Sections 3 and 6 of the Act are being assailed and prayed to be quashed.

6. Respondent no. 1 i.e. Union of India, in its written statement, opposed the claim of the petitioners and prayed for dismissal of the petition, inter alia, stating that pursuant to the certification and recommendation of the concerned competent authority, respondent no. 1 issued a notification in relation to land situated in villages Chubki, Duley and Jassowal on 10.11.2010. It is maintained that the acquisition of right of user in the land was for public purpose. Pipeline is sought to be laid for supply and transportation of natural gas to fertilizer plants, power plants, various industries and transport sector such as CNG and PNG in Punjab.

7. It is averred that the notification u/s 3(1) of the P & MP Act, 1962 was preceded by a complete and exhaustive survey, carried out by respondent no. 2 viz-a-viz route of the pipeline from Ludhiana to Jalandhar. Objections were invited to the proposed acquisition. The petitioners are stated to have refused to accept the notices in this regard. Thereafter, even the letters were sent to the Deputy Commissioner, SDM and Tehsildar for publication of the Gazette on the Notice Board. The petitioners neither accepted the notices nor filed any written objections. Thus, a notification u/s 6(1) was published on 26.03.2011 and was served upon the petitioners along with other land owners on 17.01.2012. It is maintained that the development plans of the State Government do not prohibit laying of transmission lines or gas pipelines over or through the notified areas. Therefore, laying of gas pipelines, in respect of an area, for which development plans have been published, does not contravene any of the provisions of the PRTPD 1995 Act. It is stated that the competent authority has awarded compensation for damage as well as loss of the crop and also for the right of user, calculated at 10% of the market value of the land, in terms of Sections 10 and 4 of the Act. It is stated that if the petitioners were still aggrieved viz-a-viz the determination of compensation by the competent authority, they were at liberty to challenge the Award before the appropriate authority.

8. A separate written statement has been filed by respondents no. 2 to 6 i.e. GAIL (India) Ltd. and others. In essence, the stand set out even by these respondents is almost identical and is in sync with the written statement filed by respondent no. 1 (Union of India). However, it is stated that the Planning Commission and Ministry of Petroleum and Natural Gas, in the larger public interest, felt the necessity to provide the natural gas through gas pipeline to the entire country, by establishing a gas pipeline grid. The network would ensure overall development of this region. It would provide impetus to the industry and would generate employment and prosperity in the State. Natural gas would cater to the need of the domestic customers, which would change the way of life of the residents around the gas pipeline. Further, the petitioners are stated to have concealed the material facts from the Court as the notices u/s 3(1) of the Act were issued to the petitioners and objections to the laying of pipeline were solicited. However, the petitioners refused to accept the notices and a report in

this regard, witnessed by Sarpanch of the village, was annexed with the written statement. It was claimed that now the construction work had been completed and a complete pipeline from Ludhiana to Jalandhar has already been laid. It is further stated that the petitioners could not draw advantage by reference to the proviso to Section 7 of the 1962 Act as no structure or building ever existed over the land in question.

9. A separate written statement was filed on behalf of the State of Punjab (respondent no. 7). Though the stand set out by the State is also similar, however, additionally, what is averred by the State is, that the purported violation of the provisions of Section 79 and Section 80 of the PRTPD 1995 Act is wholly misconceived and misplaced. It is stated, although as per the master plan, the area in question has been earmarked for residential purpose, but no construction had so far taken place in the said area and no zoning plan has been prepared in this regard. It is asserted that while approving the layout plans under the provisions of PRTPD Act, as also under the Punjab Apartment and Property Regulation Act, 1995, and under the other State laws, the area, under or above which the public utility services like gas pipeline have been laid down, are taken into consideration and can be ordered to be developed as a green belt. The nature of the instant petition being in public interest is disputed and the same is asserted to be personal interest litigation.

10. Respondents no. 8 and 9, though filed their separate written statements, but pleaded that they have unnecessarily been arrayed as parties by name. It is averred, that grievance being expressed by the petitioners against them was wholly misplaced as they fully co-operated with the petitioners to the extent possible.

11. Respondents no. 11 to 13 have also filed their separate written statements. Respondent no. 11 (Deputy Commissioner, Ludhiana) maintained that pursuant to the representation dated 21.05.2012, made by respondent no. 2, the answering respondent recommended for police help vide letter dated 21.05.2012 to the Commissioner of Police, Ludhiana. The request letter by Chief Manager, GAIL (India) Ltd. and the forwarding letter issued by the office of Deputy Commissioner were annexed as Annexures R-11/A and R-11/B. Respondents no. 12 and 13, however, inter alia, stated that it was pursuant to the orders dated 07.03.2012 passed by the learned District Magistrate, Ludhiana, Additional Deputy Commissioner of Police, Assistant Commissioner of Police and Station House Officer, Dehlon were deputed to ensure the maintenance of law and order by Commissioner of Police.

12. Petitioners filed replication to the written statement of respondents no. 2 to 6 and almost reiterated their case, as set out in the petition.

13. We have heard the learned counsel for the parties and perused the records.

14. Mr. Saggar, appearing in person and also as learned senior counsel for the remaining petitioners, contended, (A) that the proviso to the provision of Section

7 completely prohibits, the authorities to lay any pipeline under any land, which immediately before the issuance of the notification u/s 3(1), was used for residential purposes. It is urged that, concededly, in the notified master plan, the land in question formed part of residential zone and once that is so, no such activity, as contemplated u/s 7 (supra), can be carried out over or beneath the said land.

(B) It is further contended that u/s 9 of the 1962 Act, the owner or the occupier of the land, even post declaration u/s 6, is entitled to use the same for the purpose, the said land was being used immediately before the date of notification u/s 3(1). Thus, it is submitted, the petitioners are entitled to use the land for residential purpose, since it forms part of residential zone. (C) But the proviso to Section 9 prohibits construction of any building or other structure over the said land, and thus, effects the right to use the same for the permitted purpose under the master plan.

(D) The learned counsel asserts that the gas pipeline could not be laid through the residential zone in violation of the master plan, which was notified u/s 75(2) of the PRTPD 1995 Act. Section 79 imposes a complete bar to interfere with the area notified in the master plan without the permission of the competent authority.

(E) It is submitted that the petitioners were not served with any notice, as provided in Rule 8 of 1963 Rules.

(F) The learned counsel also places reliance upon the decision of the Hon''ble Supreme Court in the case of Yogendra Pal and others Vs. Municipality, Bhatinda and another, to contend that the Hon''ble Court in the said case was pleased to hold that the provisions of Section 192(c) of the Punjab Municipal Act, 1911, almost similar to Section 10(4) of the 1962 Act, as arbitrary. Therefore, the acquisition of rights of user in the land was unsustainable.

15. It would be apposite, at this juncture, before we proceed further, to refer to the provisions of Section 7 and its proviso and the same reads as thus:-

7. Central Government or State Government or Corporation to Lay Pipelines.

(1) Where the right of user in any land has vested in the Central Government or in any State Government or Corporation u/s 6-

(i) it shall be lawful for any person authorized by the Central Government or such State Government or corporation, as the case may be, and his servants and workmen to enter upon the land and lay pipelines or to do any other act necessary for the laying of pipelines:

Provided that no pipeline shall be laid under-

(a) any land which, immediately before the date of the notification under sub-section (1) of section 3, was used for residential purposes;

(b) any land on which there stands any permanent structure which was in existence immediately before the said date;

(c) any land which is appurtenant to a dwelling house; or

(d) any land at a depth which is less than one metre from the surface;

(i) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorized by the Central Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, which shall be lawful for such person to use such land for laying pipelines for transporting petroleum of any other mineral; and

(ii) such land shall be used only for laying the pipelines and for maintaining, examining, repealing, altering or removing any such pipelines or for doing any other act necessary for any of the aforesaid purposes or for the utilization of such pipelines.

(2) If any dispute arises with regard to any matter referred to in paragraph (b) or paragraph (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final."

16. What the proviso to Section 7 prohibits is the laying down of pipeline under any land which immediately before the issuance of notification u/s 3(1) was used for residential purposes. What it takes within its sweep, is the land, which indeed was being used for residential purposes immediately before notification u/s 3(1). It is not abstruse that provision postulates actual user to be in existence and operation at the material time. In fact, an analysis of clauses (b) and (c) of the proviso fortifies the position further. Under clause (b), no pipeline can be laid on any land on which there stands any permanent structure and under clause (c), no such activity can be carried out beneath any land, which is appurtenant to a dwelling house. Meaning thereby, the proviso and the prohibition contained therein would operate, where there exists, indeed, a land that is being used for residential purpose, a permanent structure, a dwelling house or a land appurtenant to a dwelling house. Concededly, neither the land in question was being used for residential purposes immediately before the issuance of notification u/s 3(1) nor attracts any of the other clauses i.e. (b), (c) and (d). Just as the land in question forms part of residential zone in the master plan, it cannot partake the character of actual user as is unambiguously perceived by the proviso or which indeed is being used for residential purpose. A bare reading of the provision does not permit any such construction or interpretation. It would be equally true, so to say, that no right of user can be acquired in a land which forms part of clauses (a), (b) or (c) of the proviso. Necessarily, no notification u/s 3(1) can be issued qua the same. So, obviously, open spaces, those are free from aforesaid clauses, are the intended or ideal sites under the P& MP Act, 1962. Thus, the acquisition in question has not occasioned any infraction or breach of the proviso to Section 7.

17. Having said that, we may now advert to the provisions of Section 9 and its proviso and the same reads as thus:-

9. Restrictions Regarding the Use of Land

(1) The owner or occupier of the land with respect to which a declaration has been made under subsection (1) of section 6 shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3.

Provided that, such owner or occupier shall not after the declaration under sub-section (1) of section 6-

- (i) construct any building or any other structure;
 - (ii) construct or excavate any tank, well, reservoir or dam; or
 - (iii) plant any tree,
- on that land.

(2) The owner or occupier of the land under which any pipeline has been laid not do any act or permit any act to be done which will or is likely to cause any damage in any manner whatsoever to the pipeline.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6-

- (a) constructs any building or any other structure, or
- (b) constructs or excavate any well, tank, reservoir or dam, or
- (c) plants any tree,

on that land, the Court of the District Judge within the local limits or whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court.

18. It is axiomatic, so to say, that the right of the owner or occupier to use the land, as it was being used and enjoyed prior to the issuance of the notification u/s 3(1), would continue to be so enjoyed even post declaration u/s 6(1). As concluded by us hither-to-fore, the acquisition of right of user is not permissible viz-a-viz a land, which is being used for residential purpose. In fact, it is the land, which is free from the clauses i.e. (a), (b), (c) and (d) of the proviso to Section 7, a notification u/s 3(1) can be issued. So, post-declaration of notification u/s 6, when the necessary activity of laying out the pipelines is carried out and is complete, the land has to be restored to its original position.

Status-quo ante has to be restored. It is in this context that the provision mandates that the owner/occupier would continue to use the land for the purpose it was being used immediately before notification u/s 3(1). Likewise, the petitioners would continue to use the same for the purpose it was being used earlier. Yes, however, the proviso does restrict the right of the owner/occupier from raising any construction or structure on the said land. The aspect we would deal with separately at the appropriate stage of the judgment. That appears to be the true import and interpretation of Section 9 and its proviso to us.

19. We may now turn to the argument being advanced by learned counsel that the acquisition in question is in breach of the notified master plan and Section 79 of the PRTPD 1995 Act. We deem it essential and expedient to refer to the provisions of Section 79 and Section 80 of the PRTPD 1995 Act, which reads as thus:-

79. After the coming into operation of any Master Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan:

80. After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of or change of use of any land shall be undertaken or carried out, in that area-

(a) without obtaining the permission in writing as provided for hereafter; and

(b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge as leviable under this Act has been paid or that no such charges are leviable:

Provided that except in the case of development, affecting heritage site or its vicinity, no such permission shall be necessary:-

(i) for operational constructions and constructions in the area comprised in the abadi-deh of any village falling inside its Lal Lakir or Phirni;

20. A plain reading of the afore-reproduced provision of law reveals that once the master plan of the area comes in operation, no person shall use or permit to be used any land or carry out any development in the said area, which is not in conformity with the said master plan. In essence, user and development of the land is controlled and has to be in conformity with the said plan. However, what Section 80 contemplates is that in case of any deviation viz-a-viz the permissible user or development, a permission by the competent authority is necessary. To our minds, the afore-referred provisions have no bearing on the matter in issue, particularly in context of the very nature of the activity i.e. laying down of pipelines for transportation of petroleum or other minerals, that is carried out under the 1962 Act. It would be expedient to point out here that laying of gas pipeline involves temporary digging of land and after laying of the pipelines, the surface of the earth can be used by owner/occupier of the land. Thus, the expression "development" or "no person shall use" does not cover or

contemplate the activity of laying pipelines beneath the surface. Whereas, the development and user that is contemplated by the master plan, is the infrastructural activity above the surface. The grievance of the petitioners pales into insignificance in the wake of what the State has set out in this context in its written statement, which reads as thus:-

.... While approving the layout plans under the provisions of these Acts as also under other State laws, the area under which or above the public utility services like Gas Pipe Line have been laid down are taken into consideration and can be ordered to be developed as a Green Belt.

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8. That though the area involved in the writ petition is earmarked as residential in the Master Plan, no Zoning Plan indicating the road network or other services in this part of the plan have been prepared, with which the pipeline could have possibly interfered. No change of land use been granted for any colony in this area. Residential growth has not reached the vicinity of these villages.

21. We may also refer to certain observations made by the Division Bench of this Court in L.P.A. No. 1457 of 2009 titled as Shivam Infratech Pvt. Ltd. and others vs. Union of India and others, decided on 24.12.2009, which reads as thus:-

The argument that in view of the development plans dated 5.2.2007, the open spaces have been specified for the public utility services such as transmission lines etc., therefore, by necessary implication, the location of pipelines over any other area is excluded. We do not find any merit in the said argument as well.

The development plans demarcated open spaces and such open spaces are to be used for the public utility services including transmission lines etc. However, such development plans do not prescribe that transmission lines or the gas pipelines, as in the present case, cannot be allowed over any other area. The development plans are subservient to the provisions of the Act and cannot override the provisions contemplated u/s 6 of the State Act. Therefore, the laying of the gas pipelines over an area in respect of which development plan have been published does not contravene any of the provisions of the State Act. Both the Statutes operate in different fields. There is no contradiction or overlapping of these Statutes over each other. There is no conflict between the two.

22. Therefore, laying out the gas pipelines over an area, in respect of which development plans have been published, does not breach any of the provisions of the said Act. In fact, both the Statutes operate in different fields, with no conflict or contradiction.

23. The grievance of the petitioners, that they were not served with any notice, as provided in Rule 8 of the 1963 Rules, would also not advance the case of the petitioners any further.

24. Respondents no. 2 to 6 have controverted the above position stating in no

uncertain terms that notices u/s 3(1) of the 1962 Act were issued to the petitioners and their objections were solicited. The petitioners refused to accept the notices. The Sarpanch of the Village is a witness to the report of refusal. Thereafter, letters were sent to the Deputy Commissioner, SDM and Tehsildar with a request to display the Gazette notification on the Public Notice Board in their offices (vide Annexures R-5 to R-7). It is asserted that the petitioners neither accepted notices nor filed any written objections. So much so, notification u/s 6(1) was published on 26.03.2011 and was served upon the petitioners along with other land owners on 11.02.2012. Though, per contra, petitioners' case is that respondents no. 4 to 6 obtained thumb impressions of the Chowkidar and prepared a false report.

25. Be that as it may, we do not deem it expedient to delve into this aspect any further, especially in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. The fact remains, concededly, even post issuance of the notification u/s 3 and u/s 6 of the P & MP Act, 1962, the petitioners had a series of meetings and deliberations with respondent no. 2 and its officials on the subject. They were fully able to express their view point and apprise the authorities of their concern. They were afforded sympathetic hearing with open mind as is so pleaded by the petitioners themselves. So much so, on the representation submitted by the petitioners, General Manager (GAIL) ordered respondents no. 4 and 5 to visit the spot and make a report. Evidently, what indeed being pursued by the petitioners was to examine the viability of laying the gas pipelines through the agricultural zone.

26. It appears, perhaps, the re-routing of the gas pipeline, as was being suggested by the petitioners, was not found to be feasible by the authorities. Resultantly, the Scheme had to be implemented as originally perceived. That being so, we hardly see any prejudice suffered by the petitioners, even if it is assumed that there was no literal compliance in terms of Rule 8. Thus, grievance being made on this score is wholly misplaced.

27. The reliance being placed by the petitioners upon a decision of the Hon'ble Supreme Court in the case of *Yogendra Pal* (supra) is wholly misplaced. The crucial aspect, which completely distinguishes the present case with the one cited above, is u/s 192(c) of the Punjab Municipal Act, 1911, that the State Government was competent to acquire 25% land free of cost while framing the Town Planning Scheme. In the present case, the Right to use being acquired under P & MP Act, 1962 is not without payment of compensation. Therefore, the matter in hand has no similarity with the law laid down by the Hon'ble Supreme Court. It may be pertinent to point out further, the competent authority has already awarded compensation for damage and loss of crop and also, for acquisition of right of user in the land in terms of Section 10(4) of the Act. We were also informed during the course of hearing, by the counsel for respondents no. 2 to 6 that besides the petitioners (who have not withdrawn the compensation), all the other land owners have since received the compensation

awarded to them.

28. This brings us to the other grievance being expressed by the petitioners, that despite their land being a part of the residential zone, as reflected in the master plan, in the face of proviso to Section 9, they are restrained to carry out any construction and thus, their valuable right stands breached. We may refer to certain observations, with advantage, made in decision rendered by the Madras High Court in a case reported as N.V.V. Krishna Vs. Union of India (UOI) and Others, . The Constitutional validity of the 1962 Act was under challenge in the said case and in context of the restriction, which the proviso to Section 9 causes viz-a-viz the owner, the learned Single Judge of the said Court was pleased to observe as thus:

6.9 Even though, by and large, the owner or occupier are entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification u/s 3(1) of the Act, the restriction to (i) construct any building or any other structure; (ii) construct or excavate any link, well, reservoir or dam; or (iii) plant any tree, in my considered opinion, is reasonable restriction and the classification that the owners of the lands should not plant trees, in my considered opinion, would not offend either Article 14 or Article 19(1)(g) of the Constitution of India.

29. No doubt, owner's/occupier's right to use the land in question is restricted to an extent stipulated in the proviso to Section 9. The fact remains, besides the compensation for any damage, loss or injury sustained by any person interested in the land, he is also entitled to compensation, at the rate of 10% of the market value of the land on the date of notification u/s 3, as his right to use the land to an extent prohibited by the proviso, is curtailed. In the event, the value so determined by the competent authority, not acceptable to either of the parties, the matter can be referred to the District Judge for determination.

30. Apposite, it would be, at this stage, to refer to the statement of object and reasons for which the present enactment was promulgated.

1. As a result of the implementation of plans for the development of petroleum resources in the country, it is anticipated that in the next few years there will be a substantial increase in the production of crude oil, natural gas and petroleum products by the public sector oilfields and refineries in India, It has therefore become necessary to lay petroleum pipelines in the country to serve as an efficient and cheap means of transportation and distribution of petroleum and petroleum products.

2. Although land can be acquired outright for laying such pipelines under the Land Acquisition Act, 1894 the procedure for such acquisition is long-drawn and costly. Since the petroleum pipelines will be laid underground outright acquisition of land is not necessary. Therefore, in the case of these pipelines it is considered sufficient to acquire the mere right of user in the land for laying and maintaining the pipelines.

31. This enactment and the provisions therein have endured the test of time. We do not find this restriction to be invalid or unconstitutional. We may point out, nothing indeed could be demonstrated to substantiate anything to the contrary.

32. Learned counsel for the petitioners referred to a letter dated 21.05.2012 (Annexure R-11/A), annexed with the written statement of respondent no. 11. Vide this letter, Chief Manager, GAIL (India) Ltd. had requested the Deputy Commissioner, District Ludhiana for administrative help/police protection for completion of the balance pipelines" laying work.

33. Our attention was drawn to certain specific contents of the said letter and the expressions used therein, which reads as thus:-

....As we enter in the field of Sh. Mohan Lal Saggar (Advocate) Cell no. 9417056564 & his brother Sh. Gautam Lal Saggar Cell no. 9814111516 of Village Dule, they provoked and misguided other farmers demanding re-routing of pipeline which is not possible. During last three month GAIL had many rounds of meetings with farmers lead by Mr. Mohan Lal Saggar but they are still adamant for re-routing the pipeline. Now we have no option other than seeking intervention of district administration.

34. Learned senior counsel for the petitioners (who himself is petitioner no. 1), seriously disputed the said aspersions. He expressed with concern, that he had extremely congenial and constructive rounds of deliberations with the authorities over the subject in issue. Being a law-abiding and a responsible citizen, under no circumstances, he could ever indulged in what he is being inculpated for. Learned counsel, appearing for respondents no. 2 to 6, duly acknowledged the grievance being made by petitioner no. 1 and State's silence with regret. We deem it appropriate to set this issue at rest with an observation that the expression used by the authorities in the aforesaid letter was a sheer cacology and could be avoided.

35. Learned counsel for the petitioners, referred to following decisions, which, in our considered view, have no bearing on the matter in issue, and do not advance the case of the petitioners any further:-

1. Hindustan Petroleum Corporation Ltd. Vs. Darius Shapur Chenai and Others,
2. Samir Sobhan Sanyal Vs. Tracks Trade Pvt. Ltd. and others,
3. Manohar Joshi vs. State of Maharashtra and others reported as (2012) 3 SCC 619
4. Perumal Vs. Janaki,
5. Jasbir Singh Chhabra and Others Vs. State of Punjab and Others,

36. Hon''ble Supreme Court, in Hindustan Petroleum's case (supra), inter alia, examined the provisions of Section 5A of the Land Acquisition Act and the valuable right it confers upon a land owner, whereas, concededly, petitioners

never filed any objections, as contemplated u/s 5 of the 1962 Act. In any event, concededly, even post issuance of notification u/s 6(1), the petitioners had rounds of deliberations with the officers of respondents no. 1 to 6 and fully apprised the authorities of their concern vide letters/representations Annexures P-2 to P-4.

37. In Samir Sobhan Sanyal's case (supra), the Hon''ble Supreme Court had taken cognizance of an unlawful dispossession of the appellant before the Hon''ble Court and the appeal was allowed with direction to respondent no. 1 to put the appellant back in possession within 24 hours. To our mind, even this decision does not advance the case of the petitioners any further. The land in question, having vested in the Central Government, u/s 6 of the 1962 Act, free from all encumbrances, the respondents were entitled to carry out the necessary process of laying down the pipelines in terms of Section 7 of the 1962 Act.

38. In Manohar Joshi's case and other connected matters (supra), the Hon''ble Supreme Court, inter alia, had observed that it could not be said that the Town Planning Scheme was either superior or of equal strength as final development plan. Rights claimed under the erstwhile Town Planning Scheme could not be sustained in the teeth of the reservation of the concerned land for a primary school under the Development Plan of 1987. We find no such violation or contravention of the master plan in the present case.

39. Perumal's case (supra), in our view, for the reasons and analysis made above, we do not find that the said decision has any bearing on the matter in issue.

40. As far as judgment passed in Jasbir Singh Chhabra's case (supra), we have gone through the said decision by the Hon''ble Supreme Court and are unable to appreciate as to how the said decision would apply and advance the case of the petitioners in any manner.

41. In conspectus of the position, as sketched out above, we are convinced that this is purely a private lis and involves nothing but personal interest. As is discernible from the record, the Planning Commission and Ministry of Petroleum and Natural Gas, in the larger public interest, felt the necessity to provide the natural gas through gas pipeline to the entire country, by establishing a gas pipeline grid. The network would ensure overall development of this region. It would provide impetus to the industry and would generate employment and prosperity in the State. Natural gas would cater to the need of the domestic customers, which would change the way of life of the residents around the gas pipeline. Laying down of the gas pipeline is claimed to be a project of national importance, which cannot be set at naught. We are reminded to point out, at this stage, that the entire activity for laying out the pipelines, beneath the surface in an area of approximately 80 kilometers (from Ludhiana to Jalandhar) is complete. The fact, which was noticed by this Court even at the time of admission of this petition on 23.08.2012. That being so, we indeed find this

petition is devoid of both i.e. public interest and merits. Thus, the petition is dismissed. Parties are left to bear their own costs.