

(2013) 10 RAJ CK 0105
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3340/2009

Mukund Bhai

APPELLANT

Vs

The Competent Authority, Mundra-Delhi Pipe-Line and
Another

RESPONDENT

Date of Decision : 17-10-2013

Acts Referred:

Citation : (2014) 1 WLN 72

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dr. Vineet Kothari, J.—The petitioner has approached this Court by way of present writ petition for compensation for the land use by the respondent-Hindustan Petroleum Corporation Ltd., for laying down the pipeline in terms of provisions of Petroleum & Minerals Pipe-lines (Acquisition of Rights of User in Land) Act 1962 (Act of 1962), the Central Act of Parliament. The respondents have filed the reply to the writ petition and in para 5 of the said reply, they have stated that compensation of Rs. 2,09,356/- stood paid to the petitioner for such user of his land for laying down the pipeline. The contention made in para 5 of the reply is quoted herein below for ready reference:

5. That the averments made in para 5 of the writ petition are denied being absolutely baseless and incorrect. It is denied that the petitioner has not been paid any compensation as alleged by him in para under reply. The petitioner has been paid a sum of Rs. 2,09,356/- towards compensation on 11.06.2008 after the same was determined by the Competent Authority vide its various awards the latest being award dt. 27.05.2008. An extract of the compensation payment register indicating the said payment is annexed herewith and marked as Annexure-R/3. Further, the representation made by the petitioner was duly replied by the answering respondent vide its reply dt. 25.02.2008 (Annex. 2).

2. Mr. Sunil Beniwal, learned counsel for the respondents also submitted that if any further grievance is there, and the petitioner wants enhancement of the compensation, he can approach the competent authority in terms of provisions of Sec. 10 Clause (2) of the Act of 1962. Thus, in view of the availability of the alternative remedy to the petitioner and the factum that compensation has already been paid to the petitioner, which averment made in the reply and by the learned counsel for the respondents, are not refuted by the learned counsel for the petitioner, the writ petition is dismissed as having become infructuous at this stage. No costs. A copy of this order be sent to the concerned parties forthwith.