

Court No. - 40

Case :- WRIT - C No. - 20797 of 2023

Petitioner :- Nigam Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Abhinav Gaur, Sr. Advocate, Vibhu Rai, Yogendra Singh Bohra

Counsel for Respondent :- CSC, Madhur Prakash, Pankaj Shukla

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. The writ petition was entertained on 6.11.2023 and this Court has proceeded to pass a detailed order with following observations.

"1. Heard learned counsel for the petitioner, learned Additional Chief Standing Counsel for the State-respondents and Sri Pankaj Kumar Shukla, learned counsel who has put in appearance on behalf of respondent Nos.3 and 4, i.e. U.P. Power Transmission Corporation and Pashimanchal Vidut Vitran Nigam Ltd.

2. This writ petition is preferred questioning the validity of the order dated 22.05.2023 passed by the District Magistrate, Meerut whereby the objection of the petitioner is rejected. It transpires from the record that the petitioner is bhoomidhar of Khasra Nos.49, 76 and 584 admeasuring 0.9300, 2.0650 and 2.1410 hectares situated at Village Dhindala, District Meerut. The claim has been set up in the matter on the ground that the Gas Authority of India Ltd. (GAIL) had issued notification under Section 3(1) of Petroleum and Minerals Pipelines (Acquisition of Rights of User In Land) Act, 1962 in the year 2009 for the purpose of construction of Nekpur Sabit Nagar to Ghat (Meerut) Gas Pipeline. Accordingly, petitioner's land of khasra No.49 (0.3268 hectares) and khasra No.584 (0.4662 hectares) was acquired.

3. Learned counsel for the petitioner submits that on account of laying GAIL Pipeline, on one hand the tenure holders were restrained to carry out any construction activities or to install tubewell and on the other hand the respondents are also not according adequate compensation. He submits that once the respondent-Corporation had started laying high tension electric tower and started activity over his field, then he received the information that the respondent-Corporation are laying high tension line for setting up Modipuram 220, Farid Nagar 220 KV, SC lines, which is required for establishment of Modipuram second Sub-Station. The said location is approximately 05 kilometers away from the petitioner's land. Even earlier when the GAIL Pipeline was to be laid over petitioner's holding, his father made an objection to the Managing Director, Uttar Pradesh Power Transmission Corporation Ltd., Lucknow on 17.04.2022 that in the vicinity of GAIL Pipeline, the high tension wire should not be laid. In such a situation, the father of the petitioner filed Writ-C No.16658 of 2002, which was disposed of by a coordinate bench vide order dated 16.06.2022 asking the respondents to decide the representation as per law. Learned counsel for the petitioner submits that in most arbitrary manner without any proper

physical verification, the claim set up by the father of the petitioner has been rejected by the impugned order dated 22.05.2023 by District Magistrate, Meerut.

4. Sri Pankaj Kumar Shukla, learned counsel for the respondent - Corporation states that the claim of the father of the petitioner has been rejected on the ground that the distance between the proposed tower for laying the high tension wire and GAIL Pipeline is more than 60 meters, whereas as per guidelines, distance has to be minimum 12 meters. He submits that both the Gas Pipeline as well as high tension wire are national projects, which cannot be hampered on account of false and frivolous case which has been set by the petitioner. In support of his submission, he has placed reliance on the order dated 05.07.2016 passed in Writ-C No.29995 of 2016 (Pooran Singh and 30 others vs. State of UP and 3 others) wherein the Division Bench has observed that in case the aggrieved party is not satisfied with the quantum of compensation, he has the right to get adequate compensation in the light of sub-section (3) of Section 16 of the Telegraph Act. The competent authority is the District Magistrate who may examine adequate compensation.

5. In spite of repeated indulgence as has been accorded by this court since 23.06.2023 and in spite of stop order, the respondents have not filed any response or communicated, how much amount has been quantified by the District Magistrate as per sub-section (3) of Section 16 of the Telegraph Act.

6. As a last opportunity, we adjourn the matter with a direction to the District Magistrate to file response bringing on record the compensation which has to be quantified by the respondents in favour of the petitioner.

7. Put up as a fresh case on 28.11.2023. "

2. In response to the aforesaid order, Sri Ambrish Shukla, learned Additional Chief Standing Counsel has placed the detailed instructions dated 9.12.2023 sent by the District Magistrate, wherein, claim of the petitioner is already decided vide order dated 5.12.2023. He submits that the amount of compensation has been quantified to the tune of Rs. 1,00,601/- towards land and Rs. 1,98,610/- toward loss of crops, which is likely to be released at the earliest. The said instruction is taken on record.

3. Considering the facts and circumstances of the case, we are not inclined to keep the matter pending for consideration. Needless to say, the respondent would ensure that the admitted amount be released in favour of the petitioner within three weeks from today in view of the order dated 5.12.2023.

4. With the aforesaid observations, the present writ petition stands **disposed of**.

Order Date :- 11.12.2023

A.K.Srivastava