

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.193 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9407 of 2014**

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Tuntun Kumar, Son of Baban Singh, resident of village- Maranchi, P.O. and P.S Maranchi, District- Patna.

.... Appellant

Versus

1. The Union of India, through Secretary, Department of Oil and Natural Gases, Govt. of India, New Delhi.
2. The General Manager, Petroleum Minerals Pipe Lines, Govt. of India
3. The General Manager, Indian Oil Corporation, Frazer Road, Patna, Bihar
4. The Executive Director, Paradeep Haldia- Basauni Crude Oil pipe lines, Indian Oil Corporation Ltd. Sipara, Distt.- Patna
5. The State of Bihar through the District Magistrate, Patna (Bihar)
6. The Sub-divisional Officer, Barh, P.S.- Barh, District- Patna
7. Ram Kumar Singh, Son of Late Ramudit Singh, Son of Late Ramudit Singh, Mukhia, Gram Panchayat Uttari Maranchi, P.S.- Maranchi, Distt.- Patna
8. Ramashish Pd. Singh, Son of Late Laxmi Singh, Son of Late Laxmi Singh, R/O village- Maranchi, P.S. Maranchi, Distt.- Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh, Advocate
Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 18-04-2016

I.A. No. 891 of 2015

This interlocutory application has been filed for condonation of the delay of 117 days in preferring the present Letters Patent Appeal.

We are satisfied with the reasons assigned for the delay in filing the present appeal and allow this application. The delay is

condoned.

I.A. No. 891 of 2015 stands disposed of.

L.P.A. No. 193 of 2015

The order dated 7th July, 2014 passed by the learned Single Judge in CWJC No. 9407 of 2014 is under challenge in the present Letters Patent Appeal. The challenge was to the laying of Paradeep-Haldia-Barauni Crude Oil Pipeline crossing through the village Maranchi-Hatidah in the district of Patna.

The argument of learned counsel for the appellant is that the pipeline is on a land close to dwelling houses. Therefore, in terms of Section 7 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as 'the Act') the pipeline cannot be laid down.

On the other hand, in the counter affidavit filed before the learned Single Judge, it was pointed out that the land was acquired for public purpose through the Notification dated 22.08.1963, issued under Section 3(i) of the Act followed by the declaration as contemplated under Section 6 of the Act. The pipeline is passing through 20 villages on either sides of the river Ganga and no land holder except of that of the village Maranchi has raised any objection and that laying of pipeline has been completed without any difficulty. It is further pointed out that the first pipeline was laid in the year

1964 itself, the second was laid in and around 1980 and the third pipeline is being laid presently to meet the growing needs and in view of the low cost in transporting the crude.

We do not find any merit in the argument raised on behalf of the appellant. The land was acquired way back in the year 1964 for the purpose of laying down pipeline, whereafter two pipelines have already been laid, and now the objection raised at this stage when the third pipeline is being laid is not at all permissible. We do not find any error in the proposed laying down of pipeline which is in national interest.

We are not inclined to interfere with the order of the learned Single Judge passed in CWJC No. 9407 of 2014 on 07.07.2014. The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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