

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18335-2015 (O&M)

Date of Decision: July 27, 2016

M.L.MEMORIAL SOCIETY

.....Petitioner

Versus

THE UNION OF INDIA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.R.S.Duggal, Advocate for
Dr.Surya Parkash, Advocate
for the petitioner.

Mr.Sandeep Saini, Advocate for
Mr.Alok Kumar Jain, Senior Panel counsel for UOI.

Ms.Anupam Bhanot, Advocate
for respondent No.2.

Mr.Rajesh Bhardwaj, Addl.AG, Punjab.

.....

SURYA KANT, J.

The petitioner is a society registered under the Societies Registration Act, 1860. The part of its vacant land situated within the revenue estate of village Badhni Kalan, District Moga, has been acquired (Right of User) under the provisions of Petroleum and Mineral Pipeline (acquisition of Right of User in Land) Act, 1962 (for short, 'the 1962 Act'). The impugned notification suggests that the Government of India felt it necessary to acquire the right of user in the land in public interest for the

transportation of natural gas from Bathinda to Jammu (Bathinda-Jammu-Srinagar pipe line). The petitioner has built up a case that its objections suggesting an alternative route for laying the pipeline have not been duly considered. Refuting such claim, respondent No.3-the Government of India Agency have filed a short reply -cum-affidavit, para 3 whereof reads as follows:

“3. That the petitioner concealed the true material fact that his objections have been duly decided on 24.10.2013 vide letter No.DRO/CA/II/BK/10/2013/02 to the extent that **“Moreover at the time of laying pipeline, we may re-route the pipeline within notified survey numbers after road crossing if possible”**, the copy of the same is annexed as Annexure R-2”

It is not denied that the notifications were given wide publicity and the petitioner got an opportunity to submit its objections. It also stands established that such objections were duly considered and rejected. The mandatory procedure under the 1962 Act has, thus, been complied with. The question whether the proposed pipeline can be re-routed is essentially an issue which falls within the domain of subject experts. It is not expedient for this Court to issue a direction that the pipelines should be re-routed to avoid the user of petitioner's land. The public purpose for which the acquisition of user rights has been made is of paramount importance and an individual's hardships or perceived loss must not come in the way of implementation of such project. Even if it is correct that the petitioner-society runs some

educational institute/polytechnic, yet it does not cut the ice as the right to user of land has been admittedly acquired in respect of the vacant land for which the petitioner was not even accorded any permission to set up an institute. No case to interfere in the impugned acquisition is made out.

Dismissed.

(SURYA KANT)
JUDGE

July 27, 2016
meenu

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No