

28.08.2023

Item No.17

Ct. No.1

PG/RP

W.P.A.(P) 456 of 2023

Kamal Kumar Mondal

Versus

The Union of India & Ors.

Mr. Suman Sengupta

Mr. Rahul Kumar Singh

.....for the Petitioner

Mr. Kishwar Rahaman

Mr. Indradip Das

.....for the respondent nos.3 to 5

Mr. Pradip Kumar Das

Mr. Subrata Santra

.....for the Union of India

Mr. Tapas Maity

.....for the respondent no.6

1. By way of filing this public interest litigation, the petitioner, who is a practicing advocate of this Court and hails from Purba Medinipur District has expressed certain apprehensions about the method of excavation/tunneling, which will be adopted by the Gas Authority of India Limited (for brevity, "GAIL") while installing gas pipeline and for fiber optic cable.
2. According to the petitioner, GAIL has been adopting the open cut method, which will not be suitable for the area in question and it cannot be adopted as an uniform procedure for laying of the gas pipeline or for laying of the optic fiber cable throughout the

State of West Bengal. In this regard, a representation was given by the petitioner on 2nd August, 2023, which was sent by speed post and without even waiting for a reasonable period of time, the petitioner has approached this Court by way of filing this writ petition.

3. The learned advocate appearing for GAIL submitted that the tunneling process is a highly technical matter and this is being done by the authority of GAIL after conducting a preliminary survey in the presence of the concerned officials of the State Government and depending upon the area in question, type of tunneling is adopted namely, in certain areas it has been found that open cut method is most suitable and in certain areas deep tunneling is done for which the contractor, who has been engaged is being adequately compensated. Further from the documents, which are annexed in the said petition, we find that on several occasions the Government of West Bengal, more particularly the Irrigation and Waterways Department had pointed out difficulties of implementing the open cut method in certain areas and accordingly has informed GAIL. Admittedly, the project of laying the gas pipeline and for laying the optic fiber cable is in public interest and it is best that the technical aspects are left to the officials to decide and it is not

for this Court to suggest the ways and means, which are to be adopted by the authorities.

4. We find from the documents annexed in the said petition that the Irrigation and Waterways Department of the Government of West Bengal has placed their suggestions to GAIL, which obviously would be considered by GAIL and until and unless a no objection certificate is granted, the work cannot be proceeded with.
5. Therefore, we are of the view that the apprehension expressed by the writ petitioner has been sufficiently safeguarded and all that we can observe is that the authorities of GAIL may take into consideration all relevant factors while implementing the project, which is undoubtedly of public importance.
6. With the above observations, the writ petition stands disposed of.
7. No costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)