

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 4652 of 2024

Reserved on : 29.2.2024

Date of Decision: 06.3.2024

Jagdish Chand @ Nandi

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Argued by: Mr. Bijender Singh, Advocate
for the petitioner.

Mr. Dharam Chand Mittal, Senior Panel Counsel
for respondent No. 1-UOI.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioner prays for the issuance of a writ of certiorari to quash the authorization issued vide PNGRB/Auth/3-PPL(0-1) 2021 dated 9.2.2023 (Annexure P-12), to quash the notification dated 19.12.2023 (Annexure P-13), to quash the notice dated 3.1.2024 (Annexure P-14), and, to quash the hearing notice dated 13.2.2024 (Annexure P-18).

2. Annexure P-12 addressed to Director (Finance), with additional charge of C&MD and Director (HR), Bharat Petroleum Corporation Limited by the Secretary, Petroleum and Natural Gas Regulatory Board, thus conveys the authorization to the addressee to lay, build, operate or expand Piyala-Jewar International Airport Petroleum and Petroleum Product (ATF) Pipeline.

3. Through Annexure P-13, the Ministry of Petroleum and Natural Gas, Govt. of India, in exercise of powers conferred by sub-Section (1) of

Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of

User in Land) Act, 1962 (for short 'the PMP Act'), declared its intention to acquire the right of user therein. Annexure P-13 also made available to any person interested in the land designated in the apposite schedule, thus the right to within 21 days from the date on which the copies of the notification issued under sub-Section (1) of Section 3 of the PMP Act, as published in the Gazette of India, thus are made available to the general public, thus object in writing to the acquisition of the right of user thereins for making the pipeline for the purpose (supra), rather before the competent authority/District Revenue Officer, Faridabad.

4. In pursuance to Annexure P-13, Annexure P-14 became issued by the District Revenue Authority, Faridabad, whereby notice of acquisition under Section 3(1) of the PMP Act was made, and, thereby any person interested in the land declared in the apposite schedule, was asked to, within 21 days from the date on which the copies of the notification issued under sub-Section (1) of Section 3 of the PMP Act, was made available, hence make objections, thus to the acquisition, thus to the competent authority/District Revenue Officer, Faridabad.

5. Before dealing with the arguments of the learned counsel for the parties, it is necessary to extract the relevant provisions of the PMP Act.

***"2. Definitions.** – In this Act, unless the context otherwise requires—*

*(a) "**competent authority**" means any person or authority authorised by the Central Government, by Notification in the Official Gazette, to perform the functions of the competent authority under this Act 1 and different persons or authorities may be authorised to perform all or any of the functions of the competent authority under this Act in the same area or different areas specified in the Notification;*

*(b) "**corporation**" means anybody corporate established under any Central, Provincial or State Act, and includes—*

(i) a company formed and registered under the Companies Act, 1956; and

(ii) a company formed and registered under any law relating to companies formerly in force in any part of India;

(ba) "**minerals**" have the meanings assigned to them in the [Mines Act, 1952](#) (35 of 1952), and include mineral oils and stowing sand but do not include petroleum;

(c) "**petroleum**" has the same meaning as in the [Petroleum Act, 1934](#) (30 of 1934), and includes natural gas and refinery gas;

(d) "**prescribed**" means prescribed by rules made under this Act.

3. Publication of Notification for acquisition.— (1) Whenever it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum ² or any mineral] from one locality to another locality pipelines may be laid by that Government or by any State Government or a corporation and that for the purpose of laying such pipelines it is necessary to acquire the right of user in any land under which such pipelines may be laid, it may, by Notification in the Official Gazette, declare its intention to acquire the right of user therein.

(2) Every Notification under sub-section (1) shall give a brief description of the land.

3) The competent authority shall cause the substance of the Notification to be published at such places and in such manner as may be prescribed.

x x x x

6. Declaration of acquisition of right of user.— (1) Where no objections under subsection (1) of [Section 5](#) have been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, that authority shall, as soon as may be, ¹ either make a report in respect of the land described in the Notification under sub-section (1) of [Section 3](#), or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government and upon receipt of such report the Central Government shall if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral, declare, by Notification in the Official Gazette, that the right of user in the land for laying the pipelines should be acquired and different declarations may be made from time to time in respect of different parcels of the land described in the Notification issued under sub-section (1) of [Section 3](#), irrespective of whether one report or different reports have been made by the competent authority under this section.

(2) On the publication of the declaration under sub-section (1), the right of user in the land specified therein shall vest

absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a Notification has been issued under sub- section (1) of [Section 3](#) but no declaration in respect of any parcel of land covered by that Notification has been published under this section within a period of one year from the date of that Notification, that Notification shall cease to have effect on the expiration of that period.

(3A) No declaration in respect of any land covered by a Notification issued under subsection (1) of [Section 3](#), published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977 (13 of 1977), shall be made after the expiry of three years from the date of such publication.

(4) Notwithstanding anything contained in sub-section (2), the Central Government may, on such terms and conditions as it may think fit to impose, direct by order in writing, that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government vest, either on the date of publication of the declaration or, on such other date as may be specified in the direction, in the State Government or the corporation proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that State Government or corporation, as the case may be, free from all encumbrances.

7. Central Government or State Government or corporation to lay pipelines.— *(1) Where the right of user in any land has vested in the Central Government or in any State Government or Corporation under [Section 6](#)—*

(i) it shall be lawful for any person authorised by the Central Government or such State Government or corporation, as the case may be, and his servants and workmen to enter upon the land and lay pipelines or to do any other act necessary for the laying of pipelines:

Provided that no pipeline shall be laid under—

(a) any land which, immediately before the date of the Notification under sub-section (1) of [Section 3](#), was used for residential purposes;

(b) any land on which there stands any permanent structure which was in existence immediately before the said date;

(c) any land which is appurtenant to a dwelling house; or

(d) any land at a depth which is less than one metre from the surface;

(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorised by the Central Government or such State Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, it shall be lawful for such person to

use such land for laying pipelines for transporting petroleum or any other mineral; and

(ii) such land shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other act necessary for any of the aforesaid purposes or for the utilisation of such pipelines.

(2) If any dispute arises with regard to any matter referred to in paragraph (b) or paragraph (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

9. Restrictions regarding the use of land.— (1) *The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of [Section 6](#) shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the Notification under sub-section (1) of [Section 3](#):*

Provided that, such owner or occupier shall not after the declaration under sub-section (1) of [Section 6](#) –

(i) construct any building or any other structure;

(ii) construct or excavate any tank, well, reservoir or dam; or

(iii) plant any tree, on that land.

(2) The owner or occupier of the land under which any pipeline has been laid not do any act or permit any act to be done which will or is likely to cause any damage in any manner whatsoever to the pipeline.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of [Section 6](#)–

(a) constructs any building or any other structure, or

*(b) constructs or excavates any well, tank, reservoir or dam,
or*

(c) plants any tree,

on that land, the Court of the District Judge within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court.

10. Compensation.— (1) *Where in the exercise of the powers conferred by [section 4](#), [section 7](#) or [section 8](#) by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the Central Government, the State Government or the corporation, as the case may be, shall*

be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

(2) If the amount of compensation determined by the competent authority under subsection (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge.

(3) The competent authority or the District Judge while determining the compensation under sub-section (1) or sub-section (2), as the case may be, shall have due regard to the damage or loss sustained by any person interested in the land by reason of—

(i) the removal of trees or standing crops, if any, on the land while exercising the powers under [section 4](#), [section 7](#) or [section 8](#);

(ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person; or

(iii) any injury to any other property, whether movable or immovable, or the earnings of such persons caused in any other manner:

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the Notification under sub-section (1) of [Section 3](#).

(4) Where the right of user of any land has vested in the Central Government, the State Government or the corporation, the Central Government, the State Government or the corporation, as the case may be, shall, in addition to the compensation, if any, payable under subsection (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent. of the market value of that land on the date of the Notification under sub-section (1) of [Section 3](#).

(5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the District Judge referred to in subsection (2), be determined by that District Judge.

(6) The decision of the District Judge under sub-section (2) or sub-section (5) shall be final.

x x x x

18. Application of other laws not barred. – *The provisions of this Act shall be in addition to and not in derogation of any*

other law for the time being in force relating to acquisition of land.”

Submissions of the learned counsel for the petitioner

6. The learned counsel for the petitioner makes a serious challenge to the annexures (supra), and, the said challenge is founded, upon the premise, that the District Revenue Officer, Faridabad, who has been declared to be the “competent authority”, and, who has been conferred thereby a wide range of jurisdiction to perform the statutory duties under the PMP Act, thus when as declared in paragraph 31 of the verdict made by the Hon’ble Apex Court in case titled as ‘***Laljibhai Kadvabhai Savaliya and others versus State of Gujarat and others***’, reported in ***(2016) 9 Supreme Court Cases 791***, para whereof becomes extracted hereinafter, rather is required to be a person, who must evoke and enjoy public confidence. Furthermore, when in the hereinafter extracted paragraph, as occurs in the verdict (supra), it has been declared that when neither the Act nor the Rules framed thereunder, deal with the qualifications required of a person before his appointment occurs as “competent authority”, nor when they deal with any transparent process for such appointment. In addition, when in the said paragraph after the Hon’ble Apex Court, alluding to a statutory provision occurring in Section 2(1)(e) of the Metro Railways (Construction of Works) Act, 1978 (for short ‘the Act of 1978’), wherein, the competent authority has been defined, as the one appointed under Section 16(2) of the Act of 1978, thus made a conclusion, that the competent authority in the PMP Act, may also be someone who is holding or has held judicial office not lower than that of a Subordinate Judge. Moreover, when it has also been stated therein, that if the said requirement is not read into or is not taken as an integral and essential qualification, thus before the appointment of any person as

“Competent Authority”, under the apposite provisions carried in the PMP Act, thereby it would beget inconsistency with the doctrine of fairness, as enshrined in [Article 14](#) of the Constitution of India.

“31. It is axiomatic that a person who occupies the position of Competent Authority under the PMP Act must evoke and enjoy public confidence. Neither the Act nor the Rules framed thereunder deal with the qualifications required of a person before his appointment as Competent Authority nor do they deal with any transparent process for such appointment. We may now turn to see the requirements in that behalf in an enactment which is pari materia. [Section 2\(1\)\(e\)](#) of the Metro Railway (Construction of Works) Act, 1978 (Metro Act, for short), defines Competent Authority as the one appointed under [Section 16](#). [Section 16\(2\)](#) then sets out,

“16.(2) A person shall not be qualified for appointment as a Competent Authority unless he is holding, or has held, a Judicial Office, not lower in rank than that of a Subordinate Judge.”

Like the PMP Act, the Metro Act also confers power upon the Competent Authority therein to consider objections to the construction of the Metro Railway or any other work and to determine the amount payable for acquisition. The orders passed by the Competent Authority under the Metro Act are also appealable before an Appellate Authority. In our view, the Competent Authority under the provisions of the PMP Act must also be someone who is holding or has held a Judicial Office not lower in rank than that of a Subordinate Judge or is a trained legal mind. If such requirement is not read into and not taken as an integral and essential qualification before appointment of any person as Competent Authority, the provisions in that behalf will not be consistent with the doctrine of fairness under [Article 14](#) of the Constitution of India. At the same time, we hasten to add that actions taken by the Competent Authority till now, will not in any way stand impaired or be invalidated purely on this count. But the Central Government may do well to step in immediately and remedy the situation with appropriate measures.”

7. Though, ultimately the Hon’ble Apex Court also concluded, that the previous actions taken by the Competent Authority till now, will not in any way stand impaired or become invalidated purely on this count. However, the Central Government was advised to step in immediately, and, remedy the situation with appropriate measures.

8. The judgment (supra) was pronounced in the year 2016, and,

despite its refraining to invalidate the prior thereto action takings by the competent authority, which may not be the authority, as stated in Section 16(2) of the Act of 1978, besides became declared in paragraph 31 of the judgment (supra), thus as the “competent authority” even in the PMP Act. Therefore, when the Hon’ble Apex Court has also therein mandated, that the qualifications required to be possessed by the competent authority, as declared in Section 16(2) of the Act of 1978, be also the qualifications of the competent authority under the PMP Act, rather through its declaring that such requirement is required to be read into, and, is to be taken as an integral, and, essential qualification before appointment of any person, as “competent authority” under the PMP Act, for thereby making the relevant provision to be consistent with the doctrine of fairness, as enshrined in Article 14 of the Constitution of India. Resultantly, in the respondent concerned, in Annexure P-14, and, in Annexure P-18 declaring, the District Revenue Officer concerned, to be the “competent authority” for the relevant purpose, but necessarily breached the mandate (supra), as declared in paragraph 31 of the verdict (supra).

9. The consequence thereof, is that, resultantly thereby the notification dated 19.12.2023 (Annexure P-13), is quashed, and, set aside. The respondent concerned, in terms of paragraph 31 of the verdict (supra), is directed to re-draw the relevant notification(s). The further effect thereof, is that, the notice dated 3.1.2024 (Annexure P-14), and, the hearing notice dated 13.2.2024 (Annexure P-18) are also quashed, and, set aside.

10. Though, the learned counsel for the petitioner has argued, that the letter of authorization (Annexure P-12) be declared to be ultra-vires, thus on the ground that it is expropriatory. However, the above argument is

from the factum, that in paragraph 21, as occurs in the verdict (supra), recorded by the Hon'ble Apex Court, para whereof becomes extracted hereinafter, it has been expostulated that since the provisions of Section 7 of the PMP Act, neither usurp the ownership of the owners of the land, nor truncate the rights of the owner to occupy or possess the land, nor when through the user of land of the land owners, by the authorized agent, the subject land do not become taken over permanently by the authorized agent. Contrarily, when the rights to occupy or possess the land, as, used for the relevant purpose, thus continue to remain with the owner/occupier. Therefore, in other words, when it has been also declared in the hereinafter paragraph, as carried in the verdict (supra), that what is taken over is only the right of user namely to lay pipelines in the sub-soil of the land in question, and, that the restrictions imposed by [Section 9](#) are designed to safeguard and secure the pipelines underneath the soil, thereby the said right of user of subterranean soil, when is made subject to payment of compensation, thus does not thereby make the right of user of the sub land by the authorized agent, to be expropriatory.

“21. Section 7 stipulates that no pipeline be laid under any land which, immediately before the date of Notification under Section 3(1) was used for residential purposes, or any land on which there is permanent structure in existence or any land which is appurtenant to a dwelling house. It is clear that only such lands are to be considered for acquisition of right of user therein which are either lying fallow or are being put to agricultural use. It is obvious that care is taken to cause least possible damage to the holdings of the concerned land-owners. According to [Section 9](#), after the pipelines are laid, the owner/occupier could use the land for the purpose for which it was being used before the Notification under [Section 3\(1\)](#) was issued. [Section 9](#) certainly, imposes some restrictions in the sense that such owner/occupier cannot thereafter construct any building or any other structure or construct or excavate any lake, reservoir or dam or plant any tree on such land. Barring such restrictions, the owner/occupier is within his rights to use the land for the same purpose for which the land was earlier being used. The point is clear that neither the ownership in

respect of the land itself nor the right to occupy or possess that land is taken over permanently and those rights continue to remain with the owner/occupier. What is taken over is only the right of user namely to lay pipelines in the sub-soil of the land in question and the restrictions imposed by Section 9 are designed to safeguard and secure the pipelines underneath.”

11. In paragraph 22 of the verdict (supra), para whereof becomes extracted hereinafter, whereby the term “property” has been imparted a connotation, that it means an aggregate of rights, which are guaranteed and protected by law, and, extends to group of rights inhering in person.

“22. As laid down by this Court in Jilubhai Nanbhai Khachar and others (Supra), the term property in legal sense means an aggregate of rights which are guaranteed and protected by law and would extend to entirety or group of rights inhering in a person. It was observed by this Court as under:

“42. Property in legal sense means an aggregate of rights which are guaranteed and protected by law. It extends to every species of valuable right and interest, more particularly, ownership and exclusive right to a thing, the right to dispose of the thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. The dominion or indefinite right of use or disposition which one may lawfully exercise over particular things or subjects is called property. The exclusive right of possessing, enjoying, and disposing of a thing is property in legal parameters. Therefore, the word ‘property’ connotes everything which is subject of ownership, corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal; everything that has an exchangeable value or which goes to make up wealth or estate or status. Property, therefore, within the constitutional protection, denotes group of rights inhering citizen’s relation to physical thing, as right to possess, use and dispose of it in accordance with law. In Ramanatha Aiyar’s The Law Lexicon, Reprint Edn., 1987, at p.1031, it is stated that the property is the most comprehensive of all terms which can be used, inasmuch as it is indicative and descriptive of every possible interest which the party can have. The term property has a most extensive signification, and, according to its legal definition, consists in free use, enjoyment, and disposition by a person of all his acquisitions, without any control or diminution, save only by the laws of the land.”

12. Moreover, when subsequently in paragraph 23 of the verdict (supra), para whereof becomes extracted hereinafter, it has been expostulated, that the right of user sought to be taken over under the

provisions of PMP Act, thus amounts to acquisition of one of the facets of property rights, which inhere in the owner/occupier, but yet with compensation in respect thereof becoming amenable to be adjudged in terms of Section 10 of the PMP Act. Since Section 10 of the PMP Act deals with two elements of compensation, (i) inasmuch as for any damage, loss or injury sustained by any owner/occupier as a result of exercise of powers conferred by Sections 4,7 and 8 of the PMP Act, that is to say the actual damage, loss or injury sustained because of entry upon and/or digging or marking levels and survey of land under [Section 4](#) or while actual laying of the pipeline including digging of trenches and carrying of requisite material for such operations under [Section 7](#) or at any stage of maintenance, examinations, repairing and altering or removing of pipeline in terms of Section 8 of the PMP Act. The manner of determination of compensation, in respect of the above, is stated therein to become embodied in sub-section (3) of Section (10). Furthermore, over and above such compensation relating to actual damage, loss or injury, rather additional compensation @ 10% of the market value of the land, thus is also given to the owner/occupier under sub-section 4 of [Section 10](#), for thus the takings over the right of user of sub land, rather to lay the pipelines, besides when the said element of additional compensation is independent of any actual loss or damage, rather is purely linked to the value of the land for the purposes of computation, besides is related to acquisition of right of user simplicitor.

“23. We therefore proceed on the premise that the right of user sought to be taken over under the provisions of the PMP Act amounts to acquisition of one of the facets of property rights which inher in the owner/occupier. For the acquisition of such right of user, the compensation is prescribed in terms of Section 10 of the PMP Act. There are two elements of compensation under [Section 10](#). The first part deals with any damage, loss or injury sustained by any owner/occupier as a result of exercise of powers conferred by Sections 4,7 and 8 of

the PMP Act that is to say the actual damage, loss or injury sustained because of entry upon and/or digging or marking levels and survey of land under Section 4 or while actual laying of the pipeline including digging of trenches and carrying of requisite material for such operations under Section 7 or at any stage of maintenance, examinations, repairing and altering or removing of pipeline in terms of Section 8 of the PMP Act. The measure for determining such compensation is given with sufficient clarity in sub-section (3) of Section (10). The idea is to compensate the owner/occupier for actual damage, loss or injury sustained by him as a result of the operations carried out in terms of Section 4, Section 7 or Section 8 of the Act. One of the indicia under sub-Section 3 could be “any injury to any other property whether movable or immovable, or the earnings of such persons in any other manner”. All possible acts as a result of which the damage, loss or injury could be so occasioned are taken care of and stipulated in said sub-section. Over and above such compensation for actual damage, loss or injury, additional compensation @ 10% of the market value of the land is given to the owner/occupier under sub-Section 4 of Section 10 for taking over the right of user to lay the pipelines. This element of additional compensation is independent of any actual loss or damage and is purely linked to the value of the land for the purposes of computation. This element of compensation is purely for acquisition of right of user simpliciter. The damage/loss or injury to the property is separately dealt with under first part of Section 10 and has to be compensated in toto. Theoretically, it is possible that in a barren piece of land as a result of exercise of powers under Sections 4, 6 and 7 there may not be any damage/loss or injury. However compensation under sub-section (4) for acquisition of right of user would still be independently payable. The expression “in addition to the compensation, if any, payable under sub-section (1)” clearly shows the intent that the compensation for acquisition of right of user shall be in addition to the actual damage/loss or injury under first part of Section 10. This part will also be clear from para (iii) of Statement of Objects and Reasons extracted above.”

13. Since after making the above expostulation of law, the Hon’ble Apex Court ultimately in paragraph 24 concluded, that the statutory principles, as, relating to determination of compensation, as detailed in the PMP Act, thus are neither unreasonable, nor are illusory.

14. If so, the argument addressed before this Court by the learned counsel for the petitioner, that the letter of authorization when ultimately

determination of compensation amounts, which are unreasonable, and, unjust, rather warrants rejection, and, as such is rejected.

15. Be that as it may, yet when for reasons (supra), this Court has declared the notification (Annexure P-13), and, the notices (Annexures P-14 and P-18) to be detracting from the principles of law settled by the Hon'ble Apex Court in paragraph 26 of the judgment (supra), thereby in the respondents concerned, re-drawing the relevant notification, for therebys thus the expostulation of law, as carried in paragraph 27 of the verdict (supra), para whereof becomes extracted hereinafter, rather do not become eroded vis-a-vis their efficacy.

“27. Natural gas is one of the most important and environment friendly sources of energy. Easy access to the deposits of natural gas and quick and cost effective transportation thereof are critical for fulfilling basic necessities of the society. The [Petroleum and Natural Gas Regulatory Board Act, 2006](#) enacted by Parliament creates Petroleum and Natural Gas Regulatory Board to authorize entities to lay, build, operate or expand to a common carrier or contract carrier; regulate access to common carrier or contract carrier; regulate transport rates and ensure adequate availability of natural gas and secure equitable distribution for petroleum products. The activity of transportation of gas is thus recognized as an activity of highest national importance and subjected to statutory control in all its dimensions. Transportation of natural gas requires creation of necessary infrastructure either by the State on its own or through private enterprise. The pipeline in question was designed to sub-serve public interest and as rightly contended by the learned Solicitor General the element of public interest is present all through, even when the activity is undertaken through an entity in private sector. Considering the nature of activity where entities in private sector are encouraged to participate, it would be incorrect to put any restricted meaning as regards the expression “Corporation”. The definition of “Corporation” under Section 2(b) of the PMP Act is wide enough to include entities in private sector. This definition is designedly kept wide enough to include all such possibilities and there is no reason for giving any restricted meaning to such expression. We, therefore, reject the submission advanced by the appellants.”

16. Consequently, this Court after upholding the letter of

authorization (Annexure P-12), and, after quashing Annexures P-13, P-14 and P-18, directs the respondents concerned, to re-draw the apposite notification, and, thereafter to re-draw the apposite show cause notice, but only after adherence being made to the above stated expostulations of law, as made in the verdict (supra), inasmuch as, designating the person as “competent authority”, who otherwise is but a trained judicial mind or has the requisite qualifications to well exercise the wide range of powers for determining the compensation to the land owners concerned, rather upon the respondent(s) concerned, making user of the said sub land(s).

Final order

17. With the afore findings, and, observations, the instant petition stands disposed of.

18. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

March 06, 2024
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No