

GAHC010011392023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/327/2023**

PINKU MONI DEKA  
S/O. LT. GAJENDRA NATH DEKA, VILL. RADHAKUCHI, P.O. KORORA, P.S.  
BAIHATA CHARIALI DIST. KAMRUP, ASSAM.

VERSUS

UNION OF INDIA AND 6 ORS  
REP. BY ITS SECRETARY FOR MINISTRY OF PETROLEUM AND NATURAL  
GAS, NEW DELHI-110002.

2:GAIL (INDIA) LTD.  
A GOVT. OF INDIA UNDERTAKING  
A MAHARATNA COMPANY  
REP. BY ITS CHAIRMAN  
HAVING ITS REGD. OFFICE AT GAIL BHAWAN  
16 BHIKAIJI CAMA PLACE  
NEW DELHI-110066.

3:THE DEPUTY GENERAL MANAGER (CONSTRUCTION)

GAIL (INDIA) LTD.  
BGPL GUWAHATI  
5TH FLOOR  
MEGHA PLAZA  
BASISTHA CHARIALI  
GUWAHATI-781029.

4:THE COMPETENT AUTHORITY (ASSAM) FOR BGPL PROJECT AND DY.  
SECRETARY  
TO THE GOVT. OF ASSAM  
INDUSTRIES AND COMMERCE DEPT.  
5TH FLOOR

MEGHA PLAZA  
BAISISTHA CHARIALI  
GUWAHATI-781029.

5:THE DEPUTY COMMISSIONER

KAMRUP (R)  
ASSAM.

6:THE CIRCLE OFFICER

KAMALPUR REVENUE CIRCLE  
DIST. KAMRUP (R)  
ASSAM.

7:OFFICER IN CHARGE

BAIHAT CHARIALI POLICE STATION  
BAIHATA CHARIALI  
DIST. KAMRUP (R)  
ASSAM

**Advocate for the Petitioner** : MR R K MOUR

**Advocate for the Respondent** : DY.S.G.I.

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**22.02.2023**

Heard Shri R. Dubey, learned counsel for the petitioner. Also heard Ms. M. Konyak, learned counsel appearing on behalf of Shri SS Roy, learned CGC for the respondent no. 1 whereby Shri S. Mitra, learned counsel, GAIL Ltd. for the respondent nos. 2 & 3 and the respondent nos. 4 to 7 are represented by Ms. S. Sarma, learned State Counsel.

2. Considering the subject matter of this writ petition and as agreed to by the parties, the same is taken up for disposal at the motion stage.

3. The petitioner claims to be the owner in possession of a plot of land measuring 1 Bigha 3 Katha, covered by Dag No. 265 of NK Patta No. 4 of revenue village Radhakuchi under Mouza Karara, Kamalpur Revenue Circle in the district of Kamrup, Assam. The aforesaid plot of land is claimed to have been purchased vide a registered sale deed dated 29.10.2019. The petitioner further projects that after purchase of the land, the same was developed and in which huge investment was made.
4. On 23.11.2020 certain personnel of GAIL Ltd. had visited the residence of the petitioner and also made certain measurements. The petitioner came to know that the same was done in contemplation of an acquisition proceeding in which the Barauni Guwahati Pipeline would pass. On 27.11.2020, the petitioner was called to the Office of the Revenue Circle on which date, the GAIL Authorities were also directed to furnish notice. In the aforesaid process, there was certain developments which had ultimately led to issuance of a notice dated 20.04.2021 whereby the Revenue Circle had directed the petitioner to be present for discussion regarding the field verification.
5. It is the case of the petitioner that though they had visited the Office of the Circle Officer, no personnel from the GAIL Authorities was seen to be present for which the petitioner had apprehended that the assessment was not being done by a proper field verification.
6. Shri Dubey, learned counsel for the petitioner however submits that if the assessment is done in the manner as prescribed by law, he would not have any objection but without prejudice his rights to avail the recourse of law in case he is not satisfied of adequacy / sufficiency of the compensation.
7. Shri Mitra, learned counsel for the GAIL Ltd. has submitted that apprehension of the petitioner is without any basis as the assessment would be made in a fair manner by taking all the relevant factors into consideration.
8. Ms. S. Sarma, learned State Counsel representing the State respondents including the Circle Officer has submitted that the Assessing Authority is obliged by

law to make the assessment fairly by which no prejudice be caused to any of the parties.

9. In view of the aforesaid facts and circumstances and broad consensus arrived in the bar, the instant writ petition is disposed of by directing the parties namely, the petitioner and the GAIL Authorities to appear before the Circle Office, Kamalpur Revenue Circle on 13.03.2023 at 12:00 Noon. On such appearance, the Circle Officer, Kamalpur Revenue Circle would take charge and conclude the proceeding in a manner as prescribed by law.

10. It is needless to state that the proceeding is expected to be completed expeditiously and preferably within a period of 2(two) months from the date of appearance before the Circle Officer i.e. 13.03.2023. The parties are expected to render necessary cooperation for coming to a fair compensation.

11. The writ petition accordingly stands disposed of.

**JUDGE**

**Comparing Assistant**