

GAHC010168142021



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

Case No. : WP(C)/5585/2021

BHARATI BASUMATARY AND ANR
D/O BHABA KANTA BASUMATARY, R/O VILL-LURI, P.O.-NARTAP, P.S.-
SONAPUR, DIST-KAMRUP(M), ASSAM

2: RAJIN BORO
S/O GOPAL BORO
R/O VILL-LURI
P.O.-NARTAP
P.S.-SONAPUR
DIST-KAMRUP(M)
ASSA

VERSUS

THE UNION OF INDIA AND 3 ORS
MINISTRY OF PETROLEUM AND NATURAL GAS OF THE GOVERNMENT OF
INDIA, A-WING, SHASTRI RAJENDRA PRASAD ROAD, 110001, AZAD
BHAWAN RD, IP ESTATE, NEW DELHI-110002

2:THE UNDER SECRETARY
MINISTRY OF PETROLEUM AND NATURAL GAS OF THE GOVERNMENT
OF INDIA
A-WING
SHASTRI RAJENDRA PRASAD ROAD
110001
AZAD BHAWAN RD
IP ESTATE
NEW DELHI-110002

3:THE COMPETENT AUTHORITY (ASSAM)
INDRADHANUSH GAS GRID LIMITED (IGGL)
INDUSTRY AND COMMERCE DEPARTMENT
BLOCK-D
3RD FLOOR

ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM-781006

4:THE INDRADHANUSH GAS GRID LIMITED (IGGL)
INDUSTRY AND COMMERCE DEPARTMENT
BLOCK-D
3RD FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM-78100

Advocate for the Petitioner : MR P UPADHYAY

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

24.05.2023

Heard Mr. P. Upadhyay, learned counsel appearing on behalf of the petitioners. Mr. K. Kalita, learned counsel appears on behalf of the respondent nos.3 & 4. None appears for the Union of India as well as for the Ministry of Petroleum on call.

2. The petitioners have challenged the Notification dated 20.01.2021 issued by the Ministry of Petroleum and Natural Gas in exercise of the powers under Section 6(1) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as "Act of 1962". The entire case of the petitioners hinges upon that there was no compliance to Section 5 of the said Act of 1962 as an opportunity of hearing was not given to the petitioners.

3. It appears from the record that a preliminary affidavit-in-opposition was filed by the respondent nos.3 & 4. In the said affidavit-in-opposition, it has been specifically mentioned that pursuant to the objection so filed by the petitioners herein, due notices were issued by the competent authority on 08.10.2020, thereby fixing the matter on 14.10.2020. However, in the case of the petitioner no.1, his brother and in the case of the petitioner no.2 himself after having received the said notices did not appear before the competent authority. It is under such circumstances, the competent authority have therefore passed reasoned orders on 19th November, 2020 as would appear from Annexure-5 & 6 of the said preliminary affidavit-in-opposition. Under such circumstances, the question of violation of Section 5 of the Act of 1962 does not arise.

4. The learned counsel for the petitioners however submits that as the petitioners are entitled to compensation as have been stated in the orders dated 19.11.2020 enclosed as Annexure-5 & 6 to the preliminary affidavit-in-opposition, the authorities should pay the compensation to which the petitioners are entitled.

5. The learned counsel appearing on behalf of the respondent nos.3 & 4 submits that if till date the compensation has not been paid, the same shall be duly paid as expeditiously as possible in accordance with the provisions of the Act of 1962.

6. Taking into account the above, this Court therefore, finds no ground to interfere with the Notification dated 20.01.2021, subject to the observations

that the petitioners would be entitled to compensation. This Court directs that if the compensation have not yet been paid, the same be paid as expeditiously as possible upon the petitioners furnishing the necessary documents in that regard.

7. In view of the above directions and observations, the writ petition stands disposed off.

JUDGE

Comparing Assistant