

GAHC010139452023



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

Case No. : WP(C)/3709/2023

TARALA DAS
W/O- LATE GAUTAM KUMAR DAS, R/O- HOUSE NO. 50, NABAGRAHA,
NATUN NAGAR, SILPUKHURI, P.O. SILPUKHURI, GUWAHATI, DISTRICT-
KAMRUP (M), PIN- 781003, ASSAM

VERSUS

GAIL (INDIA) LIMITED AND 4 ORS
HAVING ITS REGD. OFFICE AT GAIL BHAWAN, 16, BHIKAIJI CAMA PLACE,
R.K.PURAM, NEW DELHI, PIN- 110066, INDIA

2:THE COMPETENT AUTHORITY
GAIL (INDIA) LIMITED
BARAUNI-GUWAHATI GAS PIPELINE (BGPL) PROJECT CONSTRUCTION
OFFICE
1ST FLOOR
HOTEL VIVANTA BY TAJ
G.S.ROAD
KHANAPARA
GUWAHATI
PIN- 781002
DISTRICT- KAMRUP (M)
ASSAM

3:THE CIRCLE OFFICER
NORTH GUWAHATI REVENUE CIRCLE
PIN- 781380
DIST.- KAMRUP (R)
ASSAM

4:SRI PRAFULLA KUMAR
S/O- LATE LAKHIRAM KUMAR

R/O- VILLAGE- KHEHNIPARA
NEAR ANANTA GOKHAI THAAN
P.O. BEZERA
DIST.- KAMRUP RURAL
PIN- 781121
ASSAM

5:NAGEN CHANDRA KUMAR
S/O- LATE KANDURAM KUMAR
R/O- VILLAGE- KHEHNIPARA
NEAR ANANTA GOKHAI THAAN
P.O. BEZERA
DIST.- KAMRUP RURAL
PIN- 781121
ASSA

Advocate for the Petitioner : MR K P PATHAK, MR BHARGAV DAS,MR ARINDAM BARUAH

Advocate for the Respondent : GA, ASSAM, SC, GAIL

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

09.09.2024

Heard Mr. KP Pathak, learned legal Aid counsel for the petitioner. Also heard Mr. S Mitra, learned counsel for the respondent No. 1 and Ms. S Baruah, learned counsel for the respondent No. 3.

The present writ petition is filed, inter-alia, alleging that though the petitioner is a co-pattadar of a plot of land in Barpalaha village in Bar Bangsar Mouza, Kamrup district which was used by the respondent GAIL, however, no compensation was paid to the petitioner. The respondent GAIL has filed an affidavit and has submitted that the matter relates to apportionment of compensation amongst the land owners and therefore, the matter has already been referred to the jurisdictional District Judge in terms of the Section 11 of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

In view of the aforesaid stand, Mr. Pathak submits that as the matter has been referred to proper forum, this writ petition can be disposed of requesting the learned

jurisdictional District Judge to consider and decide the matter at earliest. The learned counsel for the GAIL has also submitted that the proper course of action should be to close this matter.

This court is also of the view that since the apportionment between the land owners is now pending before the jurisdictional District Judge, nothing survives to be adjudicated in the present writ petition. Accordingly, same stands closed. However, this court expects that the learned court shall take the matter on record and proceed in accordance with law.

JUDGE

Comparing Assistant