

GAHC010185432022



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

Case No. : WP(C)/6193/2022

SHEIKH AHMED HUSSAIN @ AHMED HUSSAIN
S/O. LT. MOFOZAL HUSSAIN, VILL. DESANG GHAT, KATONIPAR, P.O.
RAJMAIL P.S. SIVASAGAR, DIST. SIVASAGAR, ASSAM, PIN-785640.

VERSUS

OIL AND NATURAL GAS CORPORATION LTD. AND 5 ORS.
REP. BY ITS EXECUTIVE DIRECTOR ASSET. MANAGER, NAZIRA, DIST.
SIVASAGAR, ASSAM, PIN-785685.

2:THE EXECUTIVE DIRECTOR ASSET. MANAGER
ONGC

ASSAM ASSETS. MANAGER
NAZIRA
DIST. SIVASAGAR
ASSAM
PIN-785685.

3:THE EXECUTIVE DIRECTOR

BASIN MANAGER
A AND AA
BASIN
JORHAT
ASSAM
PIN-785704.

4:THE DEPUTY COMMISSIONER

DIST. SIVASAGAR
SIVASAGAR

ASSAM
PIN-785640.

5:THE ADDL. DEPUTY COMMISSIONER

DIST. SIVASAGAR
SIVASAGAR
ASSAM
PIN-785640.

6:M/S ADVENT OILFIELD SERVICES PRIVATE LTD.
REP. BY PARTHA PRATIM BORUAH
A CORPORATE OFFICE AT 1103
TOWER B
MILLENIUM PLAZA
SECTOR 27
GURGAON 122008
HARYANA
INDIA

Advocate for the Petitioner : MR. C BORUAH, MR. R BORO,MR A BORUAH

Advocate for the Respondent : GA, ASSAM, K AHMED(R-6),MS U SHARMA(R-6),MR. S P SHARMA(R-6),MR. T DAS (R-1 to 3)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06.08.2024

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Mr. T. Das, learned counsel appearing for the respondents no. 1, 2 & 3 also Mr. S. P. Sharma, learned counsel appearing for the respondent no. 6.

2. The petitioner by way of instituting the present proceeding has prayed for a direction upon the respondents for compensating him for the damage occasioning to his house due to the blasting occasioning in the

area on account of a seismic survey carried out by the respondent no. 6 on behalf of the respondents no. 1, 2, & 3, for identification of Crude Oil Deposits in the area.

3. The petitioner, herein, had lodged a complaint before the Deputy Commissioner, Sivasagar, contending therein that on account of the seismic survey carried out in the area by the ONGCL authorities, the blasting involved had caused damage to his house and the walls of the building had cracked and damaged, rendering the house to be inhabitable.

4. It is contended by the petitioner that on receipt of the said application, enquiry was made by the Circle Officer, Sivasagar, Revenue Circle and in the report so submitted, it was noted that on account of the said activities carried out in connection with the said survey, conducted by and on behalf of the ONGCL, cracks had developed in the walls of the building of the petitioner.

5. It is the contention of the petitioner that in spite of the said enquiry report being placed before the authorities of the ONGCL, no steps were taken for releasing to the petitioner, compensation in the matter. It is to be noted that as projected in the writ petition, the blasting activities in connection with the said survey done was so done within a distance of 200 mtrs from the house of the petitioner and the same resulted in damages occasioning to the house of the petitioner.

6. As the respondent authorities have not considered the grievance of the petitioner, he had proceeded to institute the present proceedings.

7. The learned counsel for the petitioner has reiterated the facts as noticed herein above and has contended that the District Administration having come to a conclusion that the cracks developing in the walls of his house being on account of the blasting activities under taken in connection with the said survey, conducted by the ONGCL authorities, he is required to be compensated for the loss so occasioning to him.

8. Mr. T. Das, learned counsel appearing for the respondents no. 1, 2 & 3, by referring to the affidavit filed in the matter on behalf of the said authorities, has contended that the claim of the petitioner, herein; is disputed, inasmuch as, at the relevant point of time when the seismic survey was carried out by the ONGCL authorities in the area, no such complaint came to be made. Mr. Das, learned counsel has submitted that a detail report in the matter was also received from the respondent no. 6 and therein also, it was contended that the last of the blasting activities in the area, wherein the house of the petitioner was so located, was carried out on 03.01.2021, after maintaining all requisite precautions and the complaint of the petitioner was lodged much after closure of the said activities. Accordingly, it is contended that the claim of the petitioner, in the present proceeding cannot to acceded to.

9. Mr. S. P. Sharma, learned counsel appearing for the respondent no. 6 has adopted the submissions made by the learned counsel for the ONGC and by referring to the report as submitted in the matter by the respondent no. 6, it was contended that during the field operations, no complaint whatsoever in the matter, was raised by any person living in the vicinity of the area wherein, such field survey was being carried out.

Accordingly, he also disputes the claim made by the petitioner, herein.

10. I have heard the learned counsels to the proceeding and also perused the materials brought on record.

11. The petitioner has claimed in the present proceeding that the damage occasioning to his house, had so occasioned on account of the activities involved in connection with the survey carried out by the ONGCL authorities for identification of Crude Oil Deposits in the area. The report of the Circle Officer, Revenue Circle; although not on record, however, from the communication dated 01.04.2021, issued by the Addl. Deputy Commissioner, Sivsagar, there is an indication that the said damage to the house of the petitioner was on account of the activities involved in the seismic survey as undertaken by the ONGCL authorities in the area for identification of Crude Oil Deposits.

12. However, what to be noted is that in the affidavit filed by the ONGCL authorities, such claim of the petitioner was disputed.

13. It was further contended in the said affidavit that the ONGCL authorities had also not received the report, purportedly, submitted in the matter by the Circle Officer, Sivsagar Revenue Circle. The ONGCL has also contended that no complaint in this connection was raised either by the petitioner or any other person, living in the vicinity of the area wherein such survey was carried out of having suffered any loss on account of the activities involved in such survey.

14. The respondent no. 6, who had carried out the survey on behalf of the ONGCL authorities in the area wherein, the house of the petitioner is

so located, has also disputed the claim of the petitioner.

15. At this stage, the learned counsel for the petitioner submits that in view of the claim of the petitioner being disputed in the matter and this Court being not in a position to determine the claim so made, he be permitted to withdraw the present writ petition with liberty to approach the Civil Court of competent jurisdiction for redressal of his grievance.

16. Such prayer as made by the learned counsel for the petitioner is not objected to by the learned counsel for the respondents.

17. In view of the above position and noticing that the materials brought on record, is not sufficient to determine the claim of the petitioner, herein, conclusively, this Court accepts the prayer of the petitioner and permits the present writ petition to be withdrawn with liberty reserved to the petitioner to approach the Civil Court of competent jurisdiction for a determination of the issue so raised by him in the present proceeding.

18. Subject to the above observations and liberty granted to the petitioner, herein, the writ petition stands dismissed on withdrawal.

JUDGE

Comparing Assistant