

GAHC010202392022



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

Case No. : WA/98/2023

1: GAIL (INDIA) LTD. AND ANR BARAUNI - GUWAHATI PIPELINE (BGPL) PROJECT, HAVING ITS OFFICE AT 5TH FLOOR, MEGHA PLAZA, BASISTHA CHARIALI GUWAHATI 781029 REPRESENTED BY DEPUTY GENERAL MANAGER (CONSTRUCTION)

2: THE DEPUTY GENERAL MANAGER (CONSTRUCTION) GAIL (INDIA) LIMITED 5TH FLOOR MEGHA PLAZA BASISTHA CHARIALI GUWAHATI 78102

VERSUS

1: HITESWR SARMA AND 2 ORS.
S/O LATE DHANESWAR SARMA, RESIDENT OF VILLAGE RADHAKUCHI, KAMALPUR, PO KARORA B.OL, DIST KAMRUP ASSAM

2: THE COMPETENT AUTHORITY (ASSAM) FOR BGPL PROJECT 5TH FLOOR MEGHA PLAZA BASISTHA CHARIALI GUWAHATI 781029

3: THE DEPUTY COMMISSIONER, KAMRUP ASSAM

For the Appellant(s) : Mr. P.J. Saikia, Senior Advocate, assisted by Mr. D.S. Deka and Ms. M. Nirola, Advocates.

For the Respondent(s) : Mr. S. Borthakur, Advocate for respondent No.1.
: Mr. R.K. Bora, Addl. Sr. Govt. Advocate, Assam for respondent No.3.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

26.02.2024
(Vijay Bishnoi, CJ)

This intra-Court appeal is filed by the appellants being aggrieved with

the judgment & order dated 07.02.2022 passed in WP(C) No.3784/2020, whereby the learned Single Judge while holding that the notice upon the respondent No.1/writ petitioner under Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as "Act of 1962") was not duly served on the given date but was served only on 01.07.2020 and, therefore, liberty was granted to the respondent No.1/writ petitioner to file objections within a period of 21(twenty-one) days with a further direction to the appellants to hear and decide the objections filed by the respondent No.1/writ petitioner as per Section 5 of the Act of 1962.

It is informed by the learned counsel for the parties that pursuant to the direction given by this Court, the objection filed by the respondent No.1/writ petitioner pursuant to the notice under Section 3 has already been dealt with and an order has been passed. It is also informed that the land in question has also been acquired by the appellants, however, the issue regarding compensation payable to the respondent No.1/writ petitioner is pending consideration before this Court in a writ petition filed in relation to the award passed by the appellants.

Taking into consideration the above facts and circumstances of the case, we are of the view that since the objection filed by the respondent No.1/writ petitioner has already been decided and the land has also been acquired and the issue regarding the award of compensation to the respondent No.1/writ petitioner is pending consideration before this Court in a separate writ petition, nothing is required to be done in this appeal and the same is disposed of with the observation that the issue regarding payment of compensation to the respondent No.1/writ petitioner will be governed by the provisions of the Act of 1962.

With these observations, this writ appeal is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant