

11.08.2022
rc/ct.no.10
Item No.22

WPA No. 3438 of 2022

Mr. Samiran Mandal	
Mr. Abhinaba Dan	
Mr. Nitish Samanta	...for the petitioner
Mr. Chandi Charan De	...for the State

Affidavit of service filed in Court today is taken on record.

None appears for the State-respondents despite service.

Mr. Chandi Charan De, learned advocate who is present in Court today and usually appears on behalf of the State-respondents is requested to represent the State-respondents in this case. His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve a copy of this writ petition along with all annexures thereto upon Mr. De in course of this day.

The petitioner's grievance is that though his land has been acquired under Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (in short, "the Act of 1962") for the purpose of installation of underground pipes by the Indian Oil Corporation Limited (in short, "IOCL"), adequate compensation has not been paid to him till date.

The Court is taken to the note sheet dated November 12, 2021 of the IOCL at page 16 of the writ petition which indicates that an amount of land compensation has been assessed at Rs. 4,96,650/- against the plot in question and crop compensation was yet to be assessed.

The petitioner submitted a representation before the competent authority on January 05, 2022 and prays for a direction upon the authority to consider the representation at the earliest in terms of the note sheet dated November 12, 2021 annexed at page 16 of the writ petition.

It is submitted by the learned counsel appearing on behalf of the State-respondent that the 2nd respondent may be directed to consider the representation by the petitioner in accordance with law.

Having considered the submissions made by the learned counsels appearing on behalf of the parties, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner on January 05, 2022 within a period of two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioner and taking into account the note sheet dated November 12, 2021 at page 16 of the writ petition, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)