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11.08.2022
Ct. No.10
b.das

WPA 5667 of 2022
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CAN 1 of 2022

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Mr. Joydip Kar
Mr. Snehasis Sen
Mr. Aditya Sarkar ...for the petitioner.

Mr. Ranjan Kumar Sinha
...for the respondent No.1.

Mr. Sirsanya Bandyopdhyay
Ms. Tapati Samanta ...for the State.

Mr. Pradip Kr. Dutta
Mr. Surajit Chakraborty ...for the respondent No.3.

Mr. Dyutimoy Pal ...for the applicant (CAN 1 of 2022)

Affidavit filed on behalf of the 3rd respondent is taken on record.

It is submitted on behalf of both the parties that a settlement has been arrived at by and between the parties and the parties have agreed to the terms of settlement as recorded in the affidavit. The said terms of settlement are reproduced below:

“i) Pipeline will be laid by GAIL in the notified plot only as per provision of P & MP Act, 1962.

ii) The proposed deviation of the line pipe will be done by GAIL following the under mentioned procedure:-

- a) The line will be laid underground without any damage/change of the boundary wall/fence and trees with in fenced boundary of the plot no.2683.
- b) GAIL's equipment will enter the plot no.2683, outside the existing fencing and lay pipeline by

- open cut method along the route on the remaining plots.
- c) Laying work will be carried out without any damage/change of the upper crest of the fenced area of the plot no.2683.
 - d) Compensation will be paid as per P & MP Act – 1962 and as derived rate by Competent Authority, i.e. by the State Government as per their procedures.”

It is also recorded that certain additional terms stated by the petitioner has been agreed upon by the 3rd respondent and the 3rd respondent has already deposited a sum of Rs.51.88 crores before the competent authority being the 2nd respondent.

It is submitted on behalf of the 3rd respondent that in the event any additional amount is required to be paid by way of compensation to the land-losers in connection with the present project, as may be determined by the 2nd respondent, the said amount shall be deposited by the 3rd respondent.

It is submitted on behalf of the petitioner that names of the predecessors of the petitioner have been recorded as awardees in the award though the plots in question have been transferred in favour of the petitioner by virtue of registered deed of gift by the said predecessors.

The petitioner prays for a direction upon the State respondents to disburse the compensation in his favour.

In view of the same, the writ petition is disposed of in terms of the settlement agreed upon by and between the petitioner and the 3rd respondent.

The State respondents are directed to disburse the compensation in favour of the petitioner as per procedure after verification of the title of the petitioner to the plots in question.

With the above instructions and observations, WPA 5667 of 2022 is disposed of.

Since the writ petition itself is disposed of, CAN 1 of 2022 has become redundant and is disposed of accordingly.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)