

WPA 18836 of 2021

Rajendra Prasad Gupta & Anr.
Vs.
Union of India & Ors.

Mr. Kamalesh Bhattacharya
Mr. A. Bhattacharya ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Mr. Rohit Das
Ms. K. Rahman
Mr. P. Biswas
Mr. P.Majumdar ...for the respondent No.2.

Heard learned counsels for the parties.

The grievance of the petitioners is that land of the petitioners was vested by the respondent authorities without serving notice upon the petitioners under Section 3(1) of the Petroleum and Minerals Pipeline Act, 1962 and without affording an opportunity of hearing to the petitioners.

In the report submitted by the respondents, it is admitted that such notice could not be served to the petitioners because they were not found present in their recorded address.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that as admittedly, the land of the petitioners was vested without

service of notice upon them under Section 3(1) of the Act of 1962 fresh notice be served upon the petitioners by the respondent authorities and the petitioners be given an opportunity of hearing by the authority before their land is considered for vesting. Vesting of the portion of land owned and occupied by the petitioners be set aside.

The 2nd respondent is directed to serve notice under Section 3(1) of the Act of 1962 upon the petitioners at the address recorded in the cause title of the writ petition. Concerned authority is also directed to afford reasonable opportunity of hearing to the petitioners in accordance with the provisions of the Act before any proceeding for vesting of the petitioners' land is initiated.

Nothing further remains to be adjudicated in the writ petition.

Accordingly, the writ petition being WPA 18836 of 2021 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)