

WPA 22199 of 2019

Pharing Lohar & ors.
Vs.
The Union of India & Ors.

Adv. Amitava Mukherjee,
Adv. Arpita Saha,
Adv. Ankita Saha,
...for the petitioners.
Adv. Samarat Ghosh,
...for the UOI.
Adv. V. Chatterjee,
Adv. S. Bhattacharya,
...for the respondent no.3.
Adv. Chandi Charan De,
Adv. Chandana Ghosh,
...for the State.

Heard learned counsels for the parties.

The petitioners claim to be the owners of the plots in question which were acquired under the provisions of the Petroleum Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 and the petitioners received compensation paid by the authority for the same.

The grievance of the petitioners is that subsequently some adjacent plots of land acquired from the said owners have been assessed at a higher rate than that of the land of the petitioners. The compensation paid to the petitioners was assessed at Rs.454/- per decimal whereas compensation with regard to the adjoining plots was assessed at Rs.890/- per decimal. The petitioners claim parity with the said adjoining owners and seek to submit an application before the concerned authority for

determining the amount of compensation in tune with the valuation of land assessed for the adjoining plots of land.

It is submitted on behalf of the respondents that the competent authority under the Act of 1962 be directed to consider the application of the petitioners.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive application before the competent authority under the Act stating the contention made in the writ petition within four weeks from date. The competent authority is directed to consider and dispose of the application within two months from the date of receipt thereof after affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

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

With the aforesaid directions, WPA 22199 of 2019 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)