

S/L 30
13.06.2022
Court No.1
sourav

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

MAT 1 of 2022
With
CAN 1 of 2022

Niranjan Debnath & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bikramaditya Ghosh
Mr. Momenur Rahaman

...for the State.

None appears for the appellants even in the second call.

The appeal is pending for a considerable period of time.

The acquiring authority and the State are represented.

The appeal is directed against an order dated November 29, 2021 passed in the writ petition.

The acquiring authority, invoked the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 as against the land belonging to the writ petitioners. The writ petitioners were aggrieved by such action. The appellants/writ petitioners approached the writ court. The writ

court by the impugned judgment and order found that the writ petitioners possessed statutory alternative remedy under Section 10(5) of the Act of 1962 and, therefore, preferred not to exercise the discretionary jurisdiction.

We find no ground to interfere with the impugned order. There exists statutory alternative remedy in favour of the appellants/writ petitioners.

In such circumstances, MAT 1 of 2022 along with CAN 1 of 2022 are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)