

22.02.2022
rc/ct.no.10
Item No.JB-01

WPA No. 251 of 2022
Bibakananda Ray
Versus
The State of West Bengal & Ors.

(Circuit Bench at Jalpaiguri)

(VIA VIDEO CONFERENCE)

Mr. Dinabandu Chowdhury
Mr. Amal Kumar Saha
Mrs. Iresh Paul ...for the petitioner

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

None appears on behalf of the respondents despite service.

It is submitted by the learned counsel appearing on behalf of the petitioner that declaration of acquisition of right of user under Section 6 of The Petroleum and Minerals Pipeline Act, 1962 (hereinafter referred to as the “**said Act**”) was issued by the State-respondents to the petitioner with regard to the plot of land owned by him but there was no assessment of compensation by the authority in terms of such declaration. A notice of hearing was issued by the Additional District Magistrate (Land Reforms) Alipurduar on October 04, 2021 though the said authority had no jurisdiction to issue such notice. Subsequently a further notice was issued upon the petitioner on December

31, 2021 requesting the petitioner to submit his bank account for payment of compensation which was assessed at Rs.3,33,697/- though, according to the petitioner, crops worth Rs.15.00 lakhs were destroyed by the authority.

Learned counsel appearing on behalf of the petitioner submits that during pendency of the writ petition, the plot in question has been utilised by the authority and the petitioner is left with no alternative but to approach the District Judge within the limits of whose jurisdiction the land is situated, for determination of the compensation payable to him under Section 10 of the said Act.

In view of the same, this Court is of the view that nothing further remains to be adjudicated in the present writ petition and the writ petition being WPA No. 251 of 2022 is disposed of accordingly.

However, as the petitioner is dissatisfied with the amount of compensation offered to him by the State-authorities, he is at liberty to approach the concerned District Judge under Section 10(2) of the said Act and seek redressal of his grievance before the said Court.

It is hoped and expected that the application filed by the petitioner shall be disposed of by the concerned District Judge as expeditiously as the business of the Court permits.

With the above observations and directions this writ petition being WPA No. 251 of 2022 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)