

S/L 31
14.06.2022
Court No.1
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

**MAT 43 of 2022
With
CAN 2 of 2022**

**Deputy General Manager, Barauni-Guwahati
Gas Pipeline Project (BGPL), GAIL and Anr.**

Vs.

Union of India & Ors.

Mr. Jagriti Mishra
Mr. Subham Gupta
Mr. Debayan Goswami

...for the Appellants.

Mr. Bikramaditya Ghosh
Mr. Pretom Das

...for the State.

Mr. Sourab Kar

...for the Union of India.

Mr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Ms. Bikash Singha

...for the writ petitioner/respondent.

The appeal is directed against the order dated May 13, 2022 passed in WPA 332 of 2022.

By the impugned order, the learned single judge directed the competent authority to decide the objection lodged by the writ petitioner in terms of Section under Section 5(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

Learned advocate appearing for the appellants submits that, the writ petitioner

received notice under Section 3 of the Act of 1962. In support of such contention, he relies upon the notices issued under Section 3 of the Act of 1962 to the writ petitioner which was received by the writ petitioner.

Learned advocate appearing for the writ petitioner submits on instructions that the writ petitioner received the notices under Section 3 of the Act of 1962. He submits that, the mass petition submitted in respect of the acquisition proceedings should be treated as an objection raised on behalf of the writ petitioner with regard to the invocation of the Act of 1962.

On a query of the Court, as to whether, the writ petitioner signed any of the mass petitions he submits on instructions that the writ petitioner did not sign the same.

The impugned order proceeds on the basis that the writ petitioner did not receive a notice under Section 3 of the Act of 1962. The impugned order also proceeds from the basis that the writ petitioner was, therefore, denied an opportunity to raise an objection under the Act of 1962 and was therefore, denied an opportunity of hearing under Section 5 of the Act of 1962.

The foundational basis of the impugned order of non-receipt of a notice under section 3 of

the Act of 1962 is established on documentary evidence to be erroneous. The writ petitioner did receive the notice under Section 3 of the Act of 1962. Thereafter, the writ petitioner did not raise any objection under the Act of 1962 for the writ petitioner to be afforded a hearing under Section 5 of the Act of 1962.

In such circumstances, we set aside the impugned order dated May 13, 2022 passed in WPA 332 of 2022. The writ petition stands dismissed.

MAT 43 of 2022 along with all connected applications are disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)