

S/L 25
16.06.2022
Court No.1
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

MAT 53 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022

**Deputy General Manager, Barauni-Guwahati
Gas Pipeline Project (BGPL), GAIL & Anr.**
Vs.
Union of India & Ors.

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

...for the Appellants.

Mr. Sourab Kar

...for the Union of India.

Mr. Hiarak Barman
Mr. Momenur Rahman

...for the State.

Mr. Arju Chowdhury
Mrs. Pratusha Dutta Chowdhury
Mr. Bikash Singha

...for the respondent/writ petitioner.

In re: CAN 1 of 2022

The application is at the behest of the applicants seeking leave to appeal from the judgment and order dated May 13, 2022 passed in WPA 322 of 2022.

It is contended on behalf of the applicants that, the impugned order affects the right, title and interest of the applicants in respect of a project of Barauni-Guwahati Gas Pipeline undertaken by Gas Authority of India Limited (GAIL). It is contended that applicants

are the main acquiring authorities and that the applicants were not made party respondents in the writ petition. The interest of the applicants stands affected by the order impugned.

The respondents are represented.

In view of the contentions of the applicants, it would be appropriate to grant leave to the applicants to prefer the appeal against the order dated May 13, 2022 passed in the writ petition.

Accordingly, interim application **CAN 1 of 2022** is disposed of.

In re: MAT 53 of 2022
With
CAN 2 of 2022

By consent of the parties, the appeal is treated as on the day's list and taken up for consideration.

As noted above, the appeal is directed against the order dated May 13, 2022 passed by the learned Single Judge.

There are materials on record to establish that, the writ petitioner submitted a written objection within the time stipulated under Section 3 of the Act of 1962 with the competent authority. The writ petitioner is, therefore, entitled to a right of hearing under Section 5 of the Act of 1962.

In such circumstances, the competent authority will afford the writ petitioner an opportunity of hearing in terms of Section 5 of the Act of 1962 within 21 days

from the date of this order. All steps taken by the authorities in respect of the plot belonging to the petitioner subsequent to the notice under Section 3 of the Act of 1962 stands quashed in view of the authority failing comply with the provisions of Section 5 of the Act of 1962.

Needless to say that, the competent authority is at liberty to decide the objection in accordance with law. Depending upon the result of the decision on the objection raised by the writ petitioner, the appropriate authorities are at liberty to take steps in terms of the Act of 1962.

With the aforesaid direction, **MAT 53 of 2022** along with the interim application **CAN 2 of 2022** are disposed of.

There shall be no order as to costs.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)