

5th December,
2023
(AK)
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W.P.A. 7817 of 2022

Sashadhar Manna and others
Vs.
The Union of India and others

Mr. Pratip Mukherjee
Mr. Debottam Das
Mr. D. Das
Ms. Chaitali Mukhopadhyay
...for the petitioners.

Ms. Sharmistha Ghosh
Mr. Victor Chatterjee
Mr. Amit Ghosh
...for the IOCL.

1. The petitioners argue that the petitioners were not given any hearing despite the petitioners having objected to acquisition of the property by the IOCL for the purpose of laying pipelines. It is submitted that the compensation which was required to be paid to the petitioners were also not given.

2. The IOCL, it is argued, went beyond the concerned plot of land which was due to be acquired while making such acquisition.

3. Learned counsel for the IOCL controverts the submissions and placing reliance on a report in the form of an affidavit points out categorically that not only was due opportunity of hearing given to the petitioner nos.1 to 3 but the question of compensation was also considered and compensation given.

4. Insofar as the petitioner nos.4 and 5 are concerned, they are mere chance-seekers, since the petitioners failed to show any document as to any representation being given by the said petitioners contemporaneously with the acquisition or even thereafter.

5. Since the IOCL has given sufficient hearing and taken a decision on the compensation which has not been challenged before the District Judge by the petitioners, there is no scope of reopening the issue in the writ petition.

6. The plinth of the allegations was regarding two plots in respect of which the documents annexed to the report clearly indicate that compensation was paid and hearing was given.

7. Learned counsel for the IOCL fairly submits, however, that some of the acquired plots were not required for the project and shall be returned by the IOCL.

8. Learned counsel for the petitioners raises the issue as to whether compensation/damages should be paid by the IOCL while so returning, in view of the damage done for the period during which the same was kept in possession of the IOCL.

9. In the event compensation has actually been given at the time of the initial acquisition, there does not arise any further question of damages/compensation being given to the petitioners.

10. Rather, the compensation which was paid for acquisition has to be adjusted, since the IOCL is now returning the said property.

11. In any event, at the juncture when the portion of the property which the IOCL does not require further is returned to the concerned land owners, it will be open to the IOCL as well as the said land owners to raise all issues before the appropriate forum regarding the grant/adjustment of compensation paid to the said land owners at the juncture of acquisition.

12. However, there is no scope of interference in the present writ petition.

13. Accordingly, WPA 7817 of 2022 is dismissed on contest without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)