

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. 2159 of 2023

Sri Bapi Dutta

vs.

Gas Authority of India Ltd. (GAIL India Ltd.) & Ors.

Mr. Nabankur Paul ... for the petitioner

Mr. Jagiriti Mishra ... for the GAIL Authorities.

The land measuring about 0.091 acre in L.R. Plot No. 3192 and the land measuring about 0.74 acre in L.R. Plot No. 3179, both appertaining to L.R. Khatian No. 2 under Mouza Kathalbari, Police Station Maynaguri, District-Jalpaiguri and the structure standing thereon belong to the petitioner.

The Gas Authority of India Limited (GAIL) is executing its project of laying gas pipeline in Kathalbari Mouza of the district Jalpaiguri. The Special Land Acquisition Officer, Jalpaiguri, the respondent no. 4 herein being the competent authority has taken steps for execution of the said project under the provisions of The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

The petitioner being apprehensive of dispossession from his homestead, has given a representation through his learned advocate to the respondent no. 4 and is praying disposal of the said representation.

Mr. Mishra, learned counsel for the GAIL authorities, on instruction submits that the said apprehension of the petitioner has no basis as the petitioner is not required to vacate his house for the purpose of laying down the gas pipeline through his land.

He further submits that a sum of Rs. 6,95,714/- has been sanctioned in favour of the petitioner on account of compensation to meet the expenses of the repair works of his dwelling house in the event it suffers from any damage due to the execution of the said project work and for the same purpose, a further sum of Rs. 8,68,418/- has been sanctioned in favour of another recorded co-owner of the subject property namely Gouranga Dutta and the monies so sanctioned are lying with the respondent no. 4, the petitioner is required to approach the said authority for disbursement of the said amount in accordance with law.

Mr. Paul, learned advocate for the petitioner submits that said Gouranga Dutta was the uncle of the petitioner, who died issueless leaving behind him surviving the petitioner as his sole heir and legal representative.

The petitioner is now required to take steps to get the sanctioned monies.

In view of the aforesaid development, no further order(s) need be passed in the writ petition, accordingly W.P.A. 2159 of 2023 is thus disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)