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09.07.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 20682 of 2022

**Sri Uttam Ghosh
Vs.
Union of India & Ors.**

Md. Nurezaman
Mr. Somen Bose
Sk. Morshed Ali
...for the petitioner

Mr. Sabyasachi Mondal
...for the respondent no. 5

Mr. Chandi Charan De, learned AGP
Mr. Anirban Sarkar
...for the State

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

The writ petition is directed against an order dated October 4, 2021 passed by the Competent Authority, Indian Oil Corporation Limited, whereby pursuant to an earlier round of litigation, the Competent Authority has, inter alia, arrived at a finding that the disputes by and between the petitioner and the private respondent relate to a family dispute and are civil in nature.

The petitioner is aggrieved by non payment of compensation in respect of an acquisition taken by the Indian Oil Corporation Ltd. (IOCL) with regard

to the installation of a pipeline for Haldia-Barauni Pipe-line System Project.

Pursuant to the said project, the IOCL had awarded compensation, which has been taken by the private respondent being the respondent no. 5.

In an earlier round of litigation, a Coordinate Bench of this Hon'ble Court had directed the IOCL to consider the representation of the petitioner.

It appears from the impugned communication that the disputes between the parties pertain to distribution of the compensation which is purely a civil dispute.

Admittedly, both the petitioner and the respondent no. 5 are brothers and the grievance of the petitioner pertains to distribution in respect of compensation pertaining to the subject acquisition.

In view of the above, the disputes raised by the petitioner are entirely civil in nature and there is no scope of the Writ Court to entertain this petition to adjudicate purely private civil disputes.

Accordingly, **WPA 20682 of 2022** is dismissed on the ground of maintainability.

Liberty is granted to the petitioner to file an appropriate proceeding in accordance with law, if so advised.

(Ravi Krishan Kapur, J.)