

19.06.2024
Sl. No.7(DL)
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

W.P.A. No. 2018 of 2023

Nirmal Chaki

Versus

Union of India & Ors.

Mr. Amritam Mondal,
Mr. Debasish Mukhopadhyay
...for the Petitioner.

Mr. Hirak Barman,
Mr. Bikash Singha
...for the State-respondents.

Mr. Sudipto Kumar Mazumdar, Id. DSGI
Mr. Sourab Kar
...for the Union of India.

1. The petitioner claims to be owner of certain plots of land which were allegedly acquired under the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the said Act). The notice to that effect, dated December 17, 2021, has been annexed as annexure P3 to the writ petition.
2. The petitioner contends that he is the owner of Plot Nos.4016, 4198, 4200, 4160, 4159 and 4153 as mentioned

in the notice. Such notice indicates that 5.261 acres of land from the said plots had been marked and measured and would be taken up by the government for construction of pipelines in accordance with the declaration under Section 6(1) being SO 3175(E) published in the Gazette of India dated 16.09.2020.

3. By the said notice, the petitioner was asked to appear personally or through an agent before the Special Land Acquisition Officer, Jalpaiguri, on December 21, 2020 at 12.00 noon, to satisfy the authority with regard to his interest in the land with all particulars and his objections.
4. It is contended that pursuant to such notice, a hearing was given to the petitioner in connection with LAP-25/21-22 dated December 17, 2021. The petitioner contends that as he did not hear anything from the authorities, a demand of justice was made through his learned Advocate. The same is at page 38, being annexure P5 to the writ petition.
5. The writ petition is disposed of, directing the Special Land Acquisition Officer & Competent Authority under the said Act, Jalpaiguri, to dispose of the said demand of justice, in accordance with law and pass necessary orders pursuant to the hearing which was already given to the

petitioner. Such decision shall reach the petitioner within a period of eight weeks from the date of communication of this order.

6. This Court has not gone into the merits of the claim of the petitioner. The right and entitlement of the petitioner, shall be decided strictly on the basis of the records and the relevant laws applicable.
7. There shall be no order as to costs.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)