

16.05.2024
Sl. No.25
akd

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

M. A. T. 201 of 2023
(CAN 1 of 2023)

[Dipak Kumar Das -Vs- Union of India & Ors.]

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah

... .. for the appellant

Mr. Anirban Banerjee
Mr. Ajay Chaudhury

... .. for respondent no.4

Mr. Subir Kumar Saha
Mr. Nabankur Paul

... for respondent nos.2, 3 & 6

1. Appellant has assailed judgment and order dated 16.11.2023 whereby the writ petition was disposed of directing Special Land Acquisition Officer and the competent authority under the P & MP Act, 1962 to decide whether the land of the appellant had been acquired and if so, compensation paid to him. It was further directed that the competent authority of respondent no.4 i.e. Numaligarh Refinery Limited and respondent no.5 i.e. Paradip Numaligarh Pipeline Project be heard.
2. Learned Advocate for the appellant submits the learned single Judge failed to consider that the matter ought to have been considered by the respondent no.5 i.e. competent authority of Paradip Numaligarh Pipeline Project who had issued the

impugned notice at page 72 of the stay application under the Petroleum and Minerals Pipeline Act, 1962 (*hereinafter referred to as P & MP Act, 1962*).

3. Learned Advocate for the respondent no.4 submits in a similar matter in WPA 430 of 2023 the issue of compensation was decided by the Special Land Acquisition Officer.
4. We have considered the rival submissions of the parties. A show cause notice under the P & MP Act, 1962 was issued by the respondent no.5 i.e. competent authority of Paradip Numaligarh Pipeline Project.
5. Learned Advocate for the appellant submits unlike GAIL project which is the subject matter of WPA 430 of 2023, Special Land Acquisition Officer is not the competent authority for Paradip Numaligarh Pipeline Project.
6. This is not disputed by respondent no.4
7. In the light of the aforesaid fact, we modify the order passed by the learned single Judge and direct that instead of Special Land Acquisition Officer, competent authority of Paradip Numaligarh Pipeline Project, respondent no.5 shall give an opportunity of hearing to the appellant as well as the respondent no.4 i.e. Numaligarh Refinery Limited and pass a reasoned order with regard to the issue of laying pipeline and grant of adequate compensation to the appellant. A reasoned order shall be passed within

eight weeks from the date of communication of this order.

8. With the aforesaid modification, MAT 201 of 2023 is disposed of.

9. In view of disposal of the appeal, connected application being CAN 1 of 2023 is also disposed of.

10. There shall be however, no order as to costs.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)