

19.09.2025
Sl. No. 36.
D/L.
Mithun
Ct.No.551.

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

**WPA 1904 of 2025
with
IA No: CAN 1 of 2025**

**Sneshasis Roy & Anr.
Vs.
Union of India & Ors.**

Mr. Moniruzzaman,
Mr. Basudeb Dan

...for the petitioners

Md. Ahsaruzzaman,
Ms. Dipa Bhattacharya

...for the State.

Mr. Biswanath Chatterjee,
Mr. Sobhan Kumar Pathak

...for respondent no.2.

1. The petitioners assail two notices dated June 7, 2023 issued by the Competent Authority, Hindustan Petroleum Corporation Limited, Haldia-Panagarh LPG Pipelines Project whereby the petitioners were notified that pipes would be laid under the petitioners land in terms of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter "the said Act of 1962") and that if the petitioners had any objection, they could raise the same before the Competent Authority within 21 days from the date of receipt of the said notice. It is the petitioners' case that they raised objection by their letters dated July 10, 2023 (Annexure P3 to the writ petition) thereby asking for compensation to the

tune of Rs.40,00,000/- each. The same appear to have been posted on August 08, 2023 (pg. 41 of the writ petition).

2. It is alleged that nothing was done thereafter. Being aggrieved by the inaction of the respondent, the petitioners have approached this Court *inter alia* seeking quashment of the said notices and in the alternative payment of compensation to the tune of Rs.40,00,000/- to each of the petitioners treating the same to be the actual value of the land.
3. Learned Advocate appearing for the respondent no.2 hands up to Court copies of orders dated August 23, 2023 passed by the Competent Authority of Hindustan Petroleum Corporation Limited, Haldia-Panagarh LPG Pipeline Project and submits that after considering the objections raised by the petitioners their claims for compensation were spurned as the same were found to be exorbitant.
4. It is further submitted that the petitioners' remedy, if any, lies before the learned District Judge in terms of Section 10(2) of the Said Act of 1962.
5. Learned Advocate appearing for the petitioners submits that copies of the aforesaid orders dated August 23, 2023 have not been served upon the petitioners. Copies of the said orders have been

made over to the learned Advocate for the petitioners by the learned Advocate appearing for the respondent no.2 and a set thereof is retained with the records as well.

6. Heard the learned Advocates for the respective parties and considered the materials on record.
7. Having perused the copies of the orders dated August 23, 2023 handed up to Court, it appears that the Competent Authority has only recorded that the “petitioners’ prayer for higher compensation would be considered as per the Petroleum and Minerals Pipeline Act, 1962” and has disposed of the case without determining the amount of compensation that would be paid or would be payable to the petitioner. In such view of the matter, it cannot be said that the petitioners’ remedy lies before the learned District Judge. Section 10(2) of the said Act of 1962 reads as follows:

“(2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by the District Judge.”

A reading of the aforesaid provision would reveal that in order to approach the learned District Judge, the petitioners must know the amount of compensation that has been

determined by the Competent Authority under Section 10(1) of the said Act of 1962.

8. Since the determination of compensation does not appear to have been done by the Competent Authority under Section 10(1) of the said Act of 1962, in the instant case, as yet, therefore the petitioners cannot be asked to approach the learned District Judge.
9. The Competent Authority, Hindustan Petroleum Corporation Limited, i.e. respondent no.2 should first discharge its duty of determining the compensation in terms of Section 10(1) of the said Act of 1962.
10. This writ petition is, therefore, disposed of by directing the respondent no.2, i.e., the Competent Authority, Hindustan Petroleum Corporation Limited to determine the compensation payable to the writ petitioners within a period of 6 weeks from the date of communication of this order by way of a reasoned order upon hearing the petitioners. Such reasoned order determining the compensation payable to the petitioners shall be communicated to the petitioners within a week from passing thereof. Needless to mention that the petitioners shall be entitled to take recourse to the remedy prescribed under Section 10 (2) of the said Act of 1962, if the petitioners are aggrieved by such determination, in accordance with law.

11. **WPA 1904 of 2025** along with CAN 1 of 2025 stands disposed of accordingly.

(Om Narayan Rai, J.)