

S/L 8
14.07.2025
Court. No. 19
Sourav

WPA 2058 of 2025

**Tridib Sen
Vs.
The Union of India & Ors.**

*Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta
Ms. Bidisha Chatterjee
Ms. Sadia Khatoon*

...for the petitioner.

*Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Priyabrata Batabyal
Mr. Srinath Singha Roy*

...for the State.

*Mr. Ashok Prasad
Mr. Debashish Basak*

...for the respondent nos. 1 & 3.

1. The affidavit-of-service as filed on behalf of the writ petitioner is taken on record.
2. Despite service, none appears on behalf of the respondent nos. 8 and 9 i.e., Gail India Limited and its instrumentalities. However, the writ petitioner, the respondent nos. 1 and 3 and respondent no. 2/State and its instrumentalities being respondent nos. 4 to 6 and 10 are represented by their respective learned advocates.
3. The subject matter of challenge in the instant writ petition is the order dated 27.12.2024 as passed by the respondent no. 10/authority.
4. At the time of hearing, Mr. Chattopadhyay, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page

No. 31 of the instant writ petition, being a copy of the memo dated 17.10.2022 under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisitions of Right of User in Land) Act, 1962 (hereinafter referred to as 'the said Act of 1962' in short) issued by the respondent no. 10/authority indicating that certain plots of land including the plots of land belonging to the writ petitioner being plot nos. 1074, 1822 and 639 would be acquired and, therefore, objections were invited by the said authority from the respective owners of the said land.

5. At this juncture, Mr. Chattopadhyay draws further attention of this Court to Page Nos. 32 and 33 of the instant writ petition, being a copy of the award as published in the name of the writ petitioner herein in respect of the aforementioned three plots of land namely plot nos. 1822, 1074 and 639.
6. It is submitted by Mr. Chattopadhyay that pursuant to the direction as passed by a co-ordinate Bench on 04.12.2024 in WPA 28203 of 2024, the respondent no. 10/authority passed the reasoned order under challenge dated 27.12.2024 wherein the said respondent no. 10/authority categorically held that the writ petitioner was an awardee in connection with L.A. Case No. 6-Gail/2021-22, however, from the office record as maintained in his office, it reveals to him that the Gail authority decided to construct their pipeline against a new alignment and in such new alignment, the land of the writ petitioner did not fall.

7. It is submitted by Mr. Chattopadhyay that in the said reasoned order, the respondent no. 10/authority also came to a finding that in view of such change of alignment and the writ petitioner's name was omitted from the award list and consequently, the writ petitioner is not entitled to get any compensation.
8. Mr. Chattopadhyay in course of his submission though did not dispute the said finding of the respondent no. 10/authority but strongly contended that the respondent no. 10/authority while passing the reasoned order failed to pass an order for releasing the land of the writ petitioner since the said respondent no. 10 has miserably failed to visualize the predicament of the writ petitioner that on account of issuance of the aforementioned notice under Section 3(1) of the said Act of 1962, the writ petitioner is prohibited for using the said three plots of land in terms of the prohibition as mentioned in Section 6(1) of the said Act of 1962.
9. Mr. Batabyal, learned advocate appearing on behalf of the respondent/State though opposes the prayer of the writ petitioner but on being asked could not apprise this Court as to why the writ petitioner's aforementioned three lands have been kept acquired under the said Act of 1962 especially when, the Gail authority has decided to change its alignment and it has also decided not to use the aforementioned three plots of land of the writ petitioner.
10. Such being the position, this Court considers that the action of the respondents/authorities is clearly

violative of the provision of Article 300A of the Constitution of India because of the fact that the respondents/authorities have miserably failed to assign any justifiable reason for keeping the land under their occupation and/or under acquisition under Section 3(1) of the said Act of 1962.

11. In view of such, this Court thus finds sufficient merit in the instant writ petition.
12. This Court thus directs the respondent no. 10/authority to immediately release the writ petitioner's land being plot nos. 1074, 1822 and 639, particulars of which have been mentioned in paragraph no. 3 of the instant writ petition from requisition and acquisition under Section 3(1) of the said Act of 1962 and make an appropriate order to that effect and to communicate the same to the writ petitioner within 15 working days from the date of communication of the server copy of this order.
13. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent no. 10/authority.
14. The respondent no. 10/authority is directed to act on the server copy of this order.
15. The time limit as fixed by this Court is mandatory and peremptory.
16. With the aforementioned observations, the instant writ petition being **WPA 2058 of 2025** is disposed of.

17. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)