

N.22Sl
151/CL

WPA 6686 of 2025
Kashinath Garang
-vs-
Union of India & Ors.

09.09.2025
SL-06
Ct.19
(S.R.)

Mr. Ivan Roy
Mr. Debangshu Bandhu ... for the petitioner.

Mr. Siddhartha Bhattacharyya
Ms. Sipra Chanda ... for the UOI.

Mr. Soumitra Bandyapadhyay
Mr. Suddhadev Adak
Ms. Nilofer Siddiqui Alam ... for the State.

Mr. Rohit Das
Ms. Kishwar Rahman
Ms. Divya Tekriwal ... for the GAIL.

1. The affidavit-of-service and the exception as filed by the writ petitioner against the report of the respondent/State are taken on record.
2. On behalf of the respondent/State, a report with a forwarding letter dated 09.06.2025 as prepared by the respondent no. 8/authority is filed which is also taken on record.
3. On perusal of the petition under consideration and after hearing the learned advocates for the contending parties, it appears to this Court that the grievances of the writ petitioner are basically two folds, namely, non-receipt of notice regarding determination of compensation, as made by the respondent no.8/authority on account of acquisition of right of user of land under the Petroleum and

Minerals Pipelines(Acquisition or Right of User in Land) Act, 1962 (hereinafter referred to as the 'said Act of 1962', in short) and inadequacy of compensation as determined by the respondent no.8/authority under cover of two memos dated 15.09.2022 and 25.11.2024, copies of which have been annexed with the report dated 09.07.2025 with the mark Annexures A-5 and A-6.

4. It is submitted by Mr. Roy that from the said Annexures A-5 and A-6 of the report dated 09.07.2025, it would not reveal that prior to determination of compensation any notice was served upon the writ petitioner and further even after determination of compensation any further notice was served upon the writ petitioner.
5. At this juncture, Mr. Roy draws attention of this Court to Rule 5 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Rules, 1963 (hereinafter referred to as 'the said Rules of 1963' in short). It is submitted that the Rule 5 of the said Rules of 1963 mandates that an aggrieved party shall have to make an application before the jurisdictional District Judge not later than 90 days of the receipt of the information regarding determination of the amount of compensation by the competent authority who is the respondent no. 8 herein.

6. Mr. Roy further submits that Section 10(5) of the said Act further contemplates that in the event the market value of the land as determined by the competent authority is not acceptable to either of the parties such compensation shall have to be decided by the jurisdictional District Judge on an application by either of the parties.
7. It is thus submitted by Mr. Roy that since it is the specific case of the writ petitioner that the competent authority has determined the compensation without causing prior service of notice upon the writ petitioner and since even after determination of compensation, no notice was served upon the writ petitioner, appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition so that the writ petitioner can approach the jurisdictional District Judge by filing an application under Section 10(5) of the said Act read with Rule 5 of the said Rules of 1963.
8. Mr. De, learned Additional Government Pleader for the State and Mr. Das, learned advocate appearing for the GAIL authority, however, disputed such contention.
9. Mr. Bhattacharya, learned advocate appearing on behalf of the Union of India supports the contention of Mr. De, learned AGP for the State.
10. On careful perusal of the entire materials as placed

before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that admittedly there lies a dispute with regard to the service of notice upon the writ petitioner by the respondent no. 8/authority prior to determination of the compensation as per the provisions of the said Act.

11. Sufficient materials have been placed before this Court that in the meantime, the competent authority has issued memos dated 15.09.2022 and 25.11.2024 addressed to the writ petitioner determining the compensation, however, service of that notice also is disputed.
12. In course of hearing, Mr. Roy expresses his apprehension that on account of non-service of notices dated 15.09.2022 and 25.11.2024, the writ petitioner's right to approach the jurisdictional District Judge may be hampered on account of limitation.
13. In view of such, this Court while disposing the instant writ petition permits the writ petitioner to approach the jurisdictional District Judge by filing an application for determination of just compensation in terms of the provisions of Section 10(5) of the said Act of 1962 read with Rule 5 of the said Rules of 1963.
14. It is further made clear that in the event such

application is made by the writ petitioner before the jurisdictional District Judge within 60 working days from today, the jurisdictional District Judge shall consider such application as 'within the period of limitation' that is to say that the jurisdictional District Judge shall dispose of the said application in accordance with law considering the fact that no delay occurred in filing such application by the writ petitioner.

15. The time limit as fixed by this Court is mandatory and peremptory.
16. Liberty is given to the writ petitioner to communicate the server copy of this order to the jurisdictional District Judge while making the aforementioned application for determination of compensation.
17. The jurisdictional District Judge is directed to act on the basis of the server copy of this order.
18. With the aforementioned observations, the instant writ petition being **WPA 6686 of 2025** is disposed of.
19. 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.)