

S/L 8
24.06.2025
Court. No. 19
Sourav

WPA 23804 of 2023

**Sk. Abdul Kader @ Quader & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Golam Mastafa
Mr. T. S. Samanta
Mr. Samirul Sardar*

... for the petitioners.

*Mr. Soumitra Bandyapadhyay, Sr. Govt. Adv.
Ms. Suchana Banerjee*

... for the State.

*Mr. Ramanjan Bhattacharyya
Mr. M. Ahmed*

... for the respondent no. 3.

1. The writ petitioners, the respondent/State and its functionaries i.e., the respondent nos. 1, 2 and 4 and the respondent no. 3 i.e., Gail (India) Limited are represented by their respective learned advocates.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities commanding them to divert the pipeline from the middle portion of the land of the writ petitioner in respect of plot no. 1338 with a further prayer to reassess the quantum of compensation.
3. In course of hearing, Mr. Mastafa, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to Page No. 18 of the instant writ petition being a copy of notification under Section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User of Land) Act, 1962 (hereinafter referred to as 'the said Act' in short). It is submitted by Mr. Mastafa that from the said notification, it

would reveal that the notification has been published under Section 3(1) of the said Act indicating the plot numbers in the relevant Mouza.

4. It is submitted by Mr. Mastafa that after acquisition, the competent authority has determined the quantum of compensation as payable to the writ petitioners which is exceptionally low and further it has been noticed by the writ petitioners that the laying of pipeline by the respondent no. 3 has been done in such a fashion so that the writ petitioners cannot use the relevant plot no. 1338 in a profitable manner. It is submitted that such facts were brought to the notice of the respondents/authorities by submitting a representation dated 06.12.2022 through the learned advocate for the writ petitioners but the respondents/authorities have not taken any decision in this regard.
5. Such contention of the writ petitioners is opposed by the learned advocates for the respondents.
6. On careful consideration 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 the instant writ petition is devoid of any merit for the following reasons:-
 - i) Section 10 of the said Act clearly mandates that in the event, the amount of compensation as determined by the competent authority under Section 10(1) of the said Act is not acceptable to either of the parties, the amount of compensation

shall be determined by the jurisdictional District Judge on the application of either parties.

ii) In view of such, availability of alternative, efficacious, statutory remedy and for not availing the same, this Court must be very slow in issuing the writ as prayed for.

iii) So far the other prayer of the writ petitioners is concerned, it appears to this Court that the plan for laying down the pipeline falls in complete technical and administrative domain of the respondent no. 3.

iv) This Court in exercise of its plenary jurisdiction cannot direct the respondent no. 3/authority to divert the laying of pipeline in another manner which may be prejudicial to the respondent no. 3/authority .

7. With the aforementioned observation, the instant writ petition being **WPA 23804 of 2023** is dismissed.
8. There shall be, however, no order as to costs.
9. 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.)