

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1351 of 2025

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Pankaj Prasun Son of Late Upendra Kumar Resident of Baniya Patti, P.S.- K.
Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The District Magistrate, Purnea.
3. The Numaligarh Refinery Limited, through Chairman NRL- Centre, 122A, G.S. Road, Chritianbasti, Guwahati, Assam- 781005.
4. The Chairman NRL- Centre, 122A, G.S. Road, Chritianbasti, Guwahati, Assam- 781005.
5. The Managing Director, NRL- Centre, 122A, G.S. Road, Chritianbasti, Guwahati, Assam- 781005.
6. The Authorised Officer, Numaligarh Refinery Limited, Mahboob Khan Tola, Near Kali Mandir, Purnea- 854301.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md Fazle Karim
For the Respondent/state	:	Mr. Vijaya Laxmi Pandit, Advocate
For the Respondent 3-6	:	Mr. Dhananjay Kashyap, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 19-02-2026 1. Heard the parties.

2. The petitioner has filed the present writ application for quashing of notice issued by the respondent authority under Section 6(1) of the Petroleum And Minerals Pipelines (Acquisition Of Right Of User In Land) Act, 1962 (for short “Pipelines Act”) dated 18.01.2024 whereby the land of the petitioner pertaining to Mauza- Kajha, Thana No. 30, Khata No. 954 & 1037, Plot No. 5871 & 5872 has been declared for acquisition.



3. The process of acquisition for right of user was started by the respondent no. 3 to 6 under the Pipelines Act for laying pipeline for transportation of crude oil from Paradip (Odisha) to Numaligarh (Assam). The pipeline is proposed to be passing through the land of the petitioner situated at Mauza – Kajha, Thana No. 30, Khata No. 954 & 1037, Plot No. 5871 & 5872. A gazette notification for right to user of the aforesaid land was published by the respondent authority on 26.10.2021 and notice under Section 3(1) of the Pipelines Act was issued to the petitioner inviting objection on 15.03.2022.

4. The contention of the petitioner is that notice under Section 3(1) of the Pipelines Act was not served upon him, however, notice of final declaration of acquisition of right of user dated 18.01.2024 was served upon the petitioner then only the petitioner came to know about acquisition of his piece of land for laying down pipeline by the respondents. Final notice under Section 6(1) of the Pipelines Act was served upon the petitioner on 16.08.2024. After receipt of the notice, the petitioner submitted objection before the respondent no. 6 on 21.08.2024 taking objection therein that petitioner has not been served a notice under Section 3(1) of the Pipelines Act which was mandatory statutory requirement under the Pipelines Act.



Apart from the same the petitioner also took objection regarding alignment of acquisition and further availability of alternative land through which the pipeline can pass through. The objection of the petitioner has been rejected on 30.08.2024 by the respondent authority on the ground that objection has been filed after expiry of twenty one days.

5. The specific contention of the petitioner is that prior to issuance of notice under Section 6(1) of the Pipelines Act, Section 3(1) notice was not served. Petitioner submitted application under right to information Act seeking a copy of notice under Section 3(1) of the Pipelines Act which was supplied to the petitioner under R.T.I. on 15.10.2024. Accordingly, submission is that prior to issuance of final declaration under Section 6(1) of the Pipelines Act no opportunity was given to the petitioner to submit his objection under Section 3(1) of the Pipelines Act.

6. Learned counsel for respondent no. 3 to 6 submits that notice was served upon the petitioner and was also sent through registered / speed post. There is presumption under Section 27 of the General Clauses Act that if notice has been sent on the previously known address of the petitioner it will be deemed to have been served, however, in the interest of justice the



authority will allow the petitioner to submit a fresh objection before it which will be decided on merit as per law.

7. Considering the rival submission of the parties, taking into consideration the nature of dispute and the fact that both the parties have agreed that the authority may consider and decide the objection filed by the petitioner afresh, accordingly, the present writ application is disposed with liberty to the petitioner to file his objection before the competent authority under the Pipelines Act within two weeks. If such an objection is filed, the competent authority shall be obliged to dispose the same within a period of one month from the date of filing of objection in accordance with law after giving opportunity of hearing to the petitioner.

8. It is made clear that till disposal of objection filed by the petitioner, status quo existing as of today pertaining to the land of the petitioner shall be maintained by the parties.

(Anil Kumar Sinha, J)

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