

Item No.2  
30.04.2026  
Court. No. 12  
GB

MAT 770 of 2026  
With  
CAN 1 of 2026

Nakul Chandra Das  
Vs.  
GAIL India Ltd. & Ors.

*Mr. Debasish Kundu, Sr. Adv.,  
Mr. Indranil Nandi,  
Mr. D.P. Samanta,  
Mr. Sayak Konar*

*...for the Appellant.*

*Mr. T. Siddique*

*... State Respondent*

*Mr. Ramanjan Bhattacharyya,  
Mr. Suva Karmakar*

*...for the Respondent Nos.1 to 5.*

1. Affidavit-of-service filed in Court today, is taken on record.
2. We are not inclined to interfere with the order impugned. GAIL has been allowed to continue with the process of laying down of pipelines over the plot in respect of which the appellant claims leasehold right for operating a fishery.
3. However, we direct that, before the pipelines are laid and preparation for the same are made, a Panchnama shall be prepared by the concerned respondent without prejudice to the contentions of the respondents including GAIL that, the disputed fishery was originally a paddy field and a Panchnama had been prepared, which the owner of the land had signed. It is submitted by the

respondent that, at the relevant point of time, the said Panchnama recorded that the nature of crop was paddy.

4. The respondents further submit by referring to different documents that, the leasehold right of the appellant was created much after the acquisition of the land for laying of pipelines. Panchnamas in respect of the entire Mouza had been prepared in the presence of the owners. If the appellant has any claim, it should be against the owner who had misled the appellant into accepting leasehold rights in respect of the alleged land/fishery, in teeth of the acquisition.
5. It is further submitted that, it was at the risk of the appellant that the paddy field was converted to a fishery.
6. We find that the learned Judge has admitted the writ petition and directed affidavits to be filed. We find that the order passed by the competent authority, holding that the appellant was not entitled to compensation for the fishery, which had been created on the land much later, is under adjudication, before his Lordship. Thus, the present status of the land should come on record. The Panchanama includes the description of the affected crop, name of the crop, Dag number, area of the affected crop, standing or presumptive crop, etc. The information is necessary, inasmuch as, in the

event the appellant is successful before His Lordship, the compensation will have to be calculated.

7. The concerned authority will prepare the said Panchnama in the presence of GAIL and the appellant and submit the same in their affidavit-in-opposition to be filed before His Lordship. The preparation of this Panchnama will not be construed as a recognition of the right of the appellant to run the fishery and be paid compensation. It will not be a presumption of the validity and genuineness of the leasehold right and shall not obliterate the earlier steps taken by the respondents in respect of the said land/mouza with the respective owners in preparing the Panchnama.
8. Once this exercise is completed, GAIL will act and proceed as per the order of His Lordship.
9. With the above modification of the order impugned, the appeal and the connected application are disposed of.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Shampa Sarkar, J.)**

**(Ajay Kumar Gupta, J.)**