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Ct. 19

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WPA 11028 of 2025

Subhas Chandra Barman
Versus
Union of India & Ors.

Mr. Golam Mastafa
Mr. Tarasankar Samanta
...for the petitioner
Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
...for the State
Mr. Prasun Mukherjee
Mr. Deepak Agarwal
...for the respondent nos.4&5
Mr. Lakshminath Bhattacharya
Mr. Banshi Badan Maity
...for the respondent no.7

The petitioner claims to be the lessee in respect of certain plots of land which have been utilized for the purpose of laying of pipeline by the Hindustan Petroleum Corporation Limited (in short HPCL).

For the purpose of laying gas pipeline underneath the aforesaid properties including other properties, the plot(s) in question including other plots were utilized. The competent authority ascertained the amount of compensation for utilization of the plots in question at the rate of Rs.9782/- per decimals. The petitioner claims to be entitled to the compensation amount ascertained by the competent authority but it is alleged that the HPCL has paid 50% of the compensation amount to the respondent no.7 in spite of the fact that the respondent no.7 did not have any manner of right to receive compensation for utilization of the plots in question. The petitioner submitted a representation before the competent authority praying for payment of compensation to the petitioner.

The learned advocate for the petitioner submits that in spite of receipt of such representation, the authorities have not taken any steps to release compensation amount in favour of the petitioner.

Mr. Bhattacharya, learned advocate appearing for the respondent no.7 submits that the respondent no.7 is a lawful lessee in respect of the plot in question and the lease alleged to have been executed in favour of the petitioner stood terminated. He submits that it is the seventh respondent and not the petitioner who is entitled to receive the compensation amount. He submits that only 50% of the compensation has been released in favour of the private respondent and the private respondent is entitled to the balance amount of compensation.

The learned advocate appearing for the HPCL submits that pursuant to the agreement dated 3rd April, 2025, 50% of award amount has already been released in favour of the seventh respondent and the balance 50% has not yet been released to any party.

The learned advocate for the respondent nos. 4 and 5 places reliance upon clause 4 of the lease deed in support of his contention that the time limit fixed for disbursal of the balance amount is one year from the date of the agreement extended between the competent authority and the private respondent.

Heard the learned advocates for the parties and perused the materials placed.

It appears that several persons claim to be interested in the amount of compensation in respect of the plot(s) which

is/are the subject matter of the writ petition. On one hand, the petitioner claims to be entitled to the compensation and on the other hand, the respondent no.7 also claims to be entitled to compensation. Rule 7 of Petroleum and Minerals Pipelines (Acquisition of Right to User in Land) Rules, 1963 states as below:

“Rule 7 - Notice to claimants and reference of dispute to the District Judge

(1) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1) of Section [11](#) and the competent authority has determined under sub-section (4) of that Section, the persons who in its opinion are entitled to receive the compensation and the amount to be paid to each of them, it shall, send intimation thereof to all the persons who have preferred claims for compensation.

(2) If any of the persons referred to in sub-rule (1) does not accept the decision of the competent authority, he shall within a period of 30 days of the receipt or such intimation inform the competent authority in writing to that effect.

(3) If on receipt of intimation under sub-rule (2) or otherwise, the competent authority is of the opinion that a dispute regarding the payment of the compensation amount exists, it shall refer the dispute to the District Judge under sub-section (5) of Section [11](#).”

It is not in dispute that the competent authority vide Memo dated 10th May, 2025 took a decision holding that the petitioner is not entitled to the compensation amount. The petitioner immediately thereafter by a letter dated 16th May, 2025 raised an objection thereto. Thus, it appears that the petitioner did not accept the decision of the competent authority. Therefore, the competent authority was obliged under Sub-Rule (3) of Rule 7 of the 1963 Rules to refer the

dispute regarding payment of compensation amount to the District Judge under Sub-Section (5) of Section 11. The competent authority has not yet referred the matter to the District Judge under Sub-Section (5) of Section 11.

The learned advocate for the HPCL submits that since the writ petition is pending, no steps could be taken by the competent authority in the light of the provision laid down under Rule 7 (3) of the 1963 Rules. When the statute and the Rules prescribes a procedure to be adopted in case a dispute as to the entitlement of compensation amount is raised, this Court feels that the said recourse available under the relevant statute should be resorted to by the aggrieved party.

Accordingly, the HPCL being the fourth respondent is directed to refer the matter to the concerned District Judge under Sub-Section (5) of Section 11 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 in the light of Rule 7(3) of 1963 Rules, as expeditiously as possible but positively within a period of four weeks from the receipt of a server copy of this order.

The competent authority is restrained from releasing the balance amount in favour of any party till the end of month of June, 2026.

It will be open to the private respondent herein to approach the District Judge for release of the balance amount upon a reference being made by the competent Authority to the District Judge and if such prayer is made, the District Judge shall consider the same in accordance with law as expeditiously as possible.

It is, however, made clear that this Court has not

entered into the merits of the claim and counter claim of the respective parties in the writ petition and all points are left open to be decided by the District Judge.

This Court expresses its hope and trust that the learned District Judge shall dispose of the matter as expeditiously as possible upon a reference being made by the competent authority in that regard.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)