

06.04.2026
(D/L 35)
Ct. No.7
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

**MAT 28 of 2026
With
CAN 1 of 2026**

Smt. Rupa Saha
Versus
Union of India and others

Mr. Sandip Mandal,
Mr. Amit Saha,
Ms. Poonam Kaur
... for the appellant.

Mr. Subir Kumar Saha, Id. AGP,
Mr. Momenur Rahman
... for the State.

1. The affidavit of service is taken on record.
2. The petitioner is aggrieved by the rejection of the writ petition. The order under appeal is dated 27.02.2026.
3. The brief factual background leading to filing of the writ petition was acquisition of certain lands for user rights to be exercised by the Gas Authority of India Limited. The acquisition for the purpose was done by the State Authority.
4. The appellant intimated the State Authorities that he was the person holding right, title and possession of the land in acquisition by virtue of a registration dated 28.04.2014. He received a response from the Land Acquisition

Section of the office of the District Magistrate that compensation for the lands bearing Plot No.403, Mouza-Binaguri has been paid to the claimants whose name figured in the possession list.

5. The learned advocate for the appellant submits that the compensation was paid to persons who are not entitled to the same on the basis of a possession list, which was not updated and not reflecting the transactions having occurred in the year 2014.
6. Based on such an erroneous possession list, the compensation has been paid in 2020 to the persons, as per the response of the authority, who appeared to be the vendors of the writ petitioner.
7. The learned advocate representing the State submits that the writ court has rightly refused to interfere with the issue, which essentially involves a disputed issue to right, title and interests of certain lands; and the entries regarding such lands in the revenue records.
8. We are inclined to accept the submission of the learned advocate for State respondents. It appears that the lands were acquired to provide user rights to the respondent no.4,

under the Petroleum & Mineral, Pipeline Act, 1962 (hereinafter referred to as the "P&MP Act"). The Act and the Rules framed thereunder contain provisions and specifies the forum for raising of disputes.

9. The nature of claim raised by the writ petitioner raises disputed issues regarding right, title and interest for claiming a compensation for acquisition of lands. The petitioner is also claiming that the possession list of lands in the district based on which compensation was paid to someone else is unreliable and incorrect. These issues essentially involve various factual disputes. Such disputes cannot be properly considered and decided in a writ petition on the basis of affidavits.
10. In view of the availability of other alternative remedy in the P&MP Act and Rules framed thereunder, Land Acquisition Act and other civil remedies, we leave it for the appellant to invoke the appropriate civil remedy in respect of her claim. We find no infirmity in rejection of the writ petition having regard to our consideration above.
11. We, however, make it clear that dismissal of the writ petition and the present appeal shall

not be taken as an expression of the opinion by this court as regards the legitimacy of the appellant's claim on merits. All issues are left open to be considered by the appropriate authority/forum in accordance with law.

12. The appeal is dismissed. The application is also disposed of accordingly.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)