

13.05.2025
Court No.1
Item No.24
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 30 of 2025
With
CAN 1 of 2025**

Anisul Alam and Anr.

Vs.

**The Principal Secretary, Land & Land Reforms
Department, Government of West Bengal and Ors.**

Mr. Momenur Rahman

Mr. Bikash Singha

... For the Respondent Nos.1 to 3.

1. The appellants are not represented.
2. The respondents are represented.
3. The appellants are aggrieved by an order dated 5th December, 2024 passed by a Single Bench of this Court. By the impugned order, the grievance of the writ petitioners, that compensation for user of land under Section 11(4) of the Petroleum and Mineral Pipelines (Acquisition of Right and User in Land) Act, 1962 (hereinafter referred to as "the said Act of 1962") has been paid to the wrong person, has been relegated to be adjudicated before a Civil Court.
4. Admittedly, compensation has been determined and paid by the acquiring body under the aforesaid Act of 1962 to persons after due verification of documents and title deeds.

5. The State Government being the acquiring body has paid the compensation under the Act, based on documents of title produced by the person concerned including the appellants/writ petitioners. The State has averred as such on affidavit before the Single Bench.

6. A writ Court under Article 226 of the Constitution of India cannot entertain disputed questions of fact. The rules of 1963 framed under Section 17 of the aforesaid Act of 1962 provide for a remedy in the form of an application before the District Judge concerned against the determination of an amount of compensation by the Competent Authority under the Act of 1962. The scope of Rule 5, therefore, must also include payment of compensation to the wrong persons as alleged by the writ petitioners/appellants.

7. In that view of the matter, this Court is of the view that since the appellants/writ petitioners have an effective alternative remedy before a Civil Court and a Writ Court cannot decide the disputed questions of fact, the impugned order and/or judgment dated 5th December, 2024 calls for no interference.

8. Accordingly, the instant appeal fails and is hereby dismissed.

9. Consequently, all connected pending application, if any, is also dismissed.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)