

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14134 OF 2017

Mahendra Rajaram Jumledar	.. Petitioner
Versus	
The Union of India and Ors.	.. Respondents

Mr. D.D. Rananaware for the Petitioner.
Mr. Javed Hussein, Ms. Anita Agarwal, Mr. Mubashir Hussein, Mr. Munzir Hussein, Ms. Reshma Khatri, Ms. Saba Shaikh, Mr. F. Khan I/b Pravin Babu for Respondent No.2.
Mrs. M.S. Shrivastava, AGP for Respondent No.3-State.
Ms. Jyotsna Pandhi a/w Mr. Anil D. Yadav for Respondent No.1.

**CORAM : A.A. SAYED &
K.K. SONAWANE, JJ.**

DATE : 19 SEPTEMBER 2018.

P.C. :-

1. The Petitioner has sought the following relief :-

“a. This Hon'ble High Court be pleased to issue writ of mandamus or in the nature of mandamus or any other appropriate writ/direction/order under Article 226 of the Constitution of India, 1950 thereby directing the Respondent Nos. 1 and 2 to produce any notification, Authority letter, sanction letter etc. granting the permission to take possession of the subject land from the petitioner and to enter upon it and start work thereon and in eventuality of non production of said documents this Hon'ble Court may kindly be pleased to restrain the Respondents and stop the work of laying of the LPG Pipeline of Urban to

Chakan Shikrapur project subject land i.e. Gat No. 119/2/A situated at village Karade Khurd, Taluka Panvel, District Raigad.”

(emphsasi supplied)

2. The Petitioner is an owner of the land bearing Gat No. 87/D of village Karade Khurd. The Petitioner has annexed copy of the 7/12 Extract which shows his name as well as the aforesaid Gut No. 119/2/A.

3. An Affidavit-in-Reply is filed by the Respondent No.2- Hindustan Petroleum Corporation Ltd. Wherein paragraph 11, it is stated as follows :-

“I say that the averments in Para-5 of the Petition are false and not binding upon the Respondent No.2. I say that the Respondent No.2 has never touched the subject land of the Petitioner as alleged by the Petitioner. I say that the situation of the land under Gat No.87/D of Village Karade Khurd was already explained above and the subject land of the Petitioner is no way concerned and required for laying the underground LPG pipeline of the Respondent No.2 and therefore, no notification was issued accordingly, for the subject land of the Petitioner. I say that the Respondent No.2 is a public body and therefore, the allegation of using force by it is totally false.”

(emphsasi supplied)

3. We have also perused the Notification dated 18 April 2017 which only mentions Gut No. 87/D of Village Karade Khurd. Accepting the above statement made on Affidavit-in-Reply of R. Lakshminarayanan, General Manager- Pipelines, on behalf of the Respondent No.2 Hindustan Petroleum Corporation Ltd., that the land of the Petitioner is no way concerned and required for laying the underground LPG pipeline of the Respondent No. 2- HPCL, we dispose of this Petition. Needless to say that the ad-interim relief granted earlier shall stand vacated.

4. If the Petitioner is aggrieved by any act of the Respondent No.2 HPCL despite the aforesaid statement in the Affidavit-in-Reply, his remedies are kept open.

(K.K. SONAWANE, J.)

(A.A. SAYED, J.)