

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 130 OF 2018

Nandkumar Gajanan Patil and Others. ..Petitioners.
Versus
Union of India and Others. ..Respondents.

Mrs. Neeta Karnik for the Petitioner.
Mr. Parag Vyas and M. M. Chunwala for Respondent No. 1.
Mr. P. G. Sawant, AGP for the State.
Mr. Bhushan Deshmukh, Reshma Randive i/b A. S. Dayal & Associates
for Respondent No. 5.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **January 18, 2018.**

P. C. :

1. Heard. The grievance raised in this writ petition is two fold, namely, the Petitioners have not been given compensation for the earlier acquisition of their land and direction be given to Respondent No.5 to acquire the Petitioners' land for the purpose of Dahej-Nagothane-Ethane gas pipeline.

2. So far as the first grievance is concerned, Respondent No. 5 has filed an affidavit-in-reply, wherein it has been pointed out that earlier the Petitioners' lands were acquired by following proper procedure and the award was passed and compensation was paid to the Petitioners. In that view of the matter, if the Petitioners have any grievance about the adequacy of compensation, they are always at

liberty to apply before the appropriate forum for the enhancement of compensation. As far as the second relief is concerned, the Petitioners are seeking mandatory direction to Respondent No.5 to acquire their lands for the gas pipeline. The case of Respondent No. 5 in this regard is that the Petitioners' lands come / fall in eco-sensitive zone, therefore, the same cannot be utilised for laying the gas pipeline. Even otherwise, in exercise of jurisdiction under Article 226 of the Constitution of India, this Court cannot issue such a direction to Respondent No. 5 to acquire Petitioners' land. The petition is devoid of any merit and the same is accordingly dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]