

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4881 OF 2019

Sambhaji Laxman Bhand
Age-69 years, Occu - Agri.,
R/o- At Ladgaon Post Malunja
Tq. Shrirampur, Dist.-Ahmednagar ..PETITIONER

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik
3. Indian Oil Corporation Limited
Koyali-Ahmednagar-Solapur
Through its Authorized Officer
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District : Nasik ..RESPONDENTS

WITH

(2)

WRIT PETITION NO. 4867 OF 2019

Babasaheb Gangadhar Autade
Age- 55 years, Occu-Agri,
R/o At Jafrabad, Tq.Shrirampur
Dist-Ahmednagar

..PETITIONER

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik
3. Indian Oil Corporation Limited
Koyali-Ahmednagar-Solapur
Through its Authorized Officer
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District : Nasik

..RESPONDENTS

WITH

WRIT PETITION NO. 1247 OF 2019

Radhakisan S/o Eknath Chaoudhari
Age-33 years, Occu.Agri,
R/o At Ladgaon Post Malunja
Tq Shrirampur, Dist. Ahmednagar

..PETITIONER

VERSUS

(3)

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik ..RESPONDENTS

WITH
WRIT PETITION NO. 1275 OF 2019

1. Dilip S/o Ramrao Bhand,
Age 60 years, Occu-Agri.,
 2. Sudam S/o Ramrao Bhand
Age-50 years, Occu-Agri.,
 3. Govind S/o Diliprao Bhand
Age-26 years, Occu-Agri.,
- R/o- At Ladgaon Post Malunja
Tq. Shrirampur, Dist.-Ahmednagar .PETITIONERS

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002

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2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik

..RESPONDENTS

WITH
WRIT PETITION NO. 1249 OF 2019

1. Uddhav Purushottam Raut
Age 53 years, Occu-Agri.,
2. Vijay Purushottam Raut
Age-50 years, Occu-Agri.,

Both R/o- At Ladgaon Post Malunja
Tq. Shrirampur, Dist.-Ahmednagar
3. Anita Digambar Lipte
Age-39 years, Occu-Agri.,
4. Digambar Kisan Lipte
Age-47 years, Occu-Agri.,
Both R/o- At Padhegaon,
Tq. Shrirampur, Dist.-Ahmednagar

.PETITIONERS

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,

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2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik

..RESPONDENTS

WITH
WRIT PETITION NO. 1257 OF 2019

1. Sunita Dilip Bhand
Age 50 years, Occu-Agri.,
2. Uddhav Ramrao Bhand
Age-65 years, Occu-Agri.,
3. Rajani Uddhav Bhand
Age-58 years, Occu-Agri.
4. Rohini Sudam Bhand
Age-40 years, Occu-Agri.

R/o- At Ladgaon Post Malunja
Tq. Shrirampur, Dist.-Ahmednagar .PETITIONERS

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik

..RESPONDENTS

(6)

WRIT PETITION NO. 1264 OF 2019

1. Rajendra S/o Kisan Bhand,
Age 38 years, Occu-Agri.,
2. Govind S/o Diliprao Bhand
Age-26 years, Occu-Agri.,
R/o- At Ladgaon Post Malunja
Tq. Shrirampur, Dist.-Ahmednagar .PETITIONERS

VERSUS

1. Union of India
Through its Secretary.
Ministry of Petroleum and
Natural Gas A - Wing, Shashtri
Rajendra Prasad Road, 110001,
Azad Bhawan Rd. IP Estate,
New Delhi, Delhi 110002
2. The Competent Authority
(Retired Deputy Collector)
Indian Oil Corporation Limited,
Koyali-Ahmednagar-Solapur
Petroleum Pipeline Division,
2nd Floor, Varad Sankul Nandgaon
Road, Manmad (Maharashtra)
District: Nasik ..RESPONDENTS

Mr A. G. Talhar, Advocate for petitioners;
Mr A.B.Dhongade, Advocate for respondent Nos. 1 & 2
Mr A.P.Bhandari, Advocate for respondent No.3

CORAM : PRASANNA B. VARALE

AND

AVINASH G GHAROTE , JJ.

DATE : 11th September, 2019

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ORAL ORDER:

All these petitions are taken up together with the consent of the parties for hearing/disposal.

2. In Writ Petition No. 4867 of 2019 an affidavit in reply is filed on behalf of respondent - Corporation and it is stated that the award is passed on 13th February, 2019. Mr. Talhar, learned Counsel for the petitioners prays for withdrawal of the petition with liberty to avail appropriate remedies including preferring of an appeal by taking recourse to the provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

3. Writ Petition NO.4867 of 2019 is allowed to be withdrawn, with liberty as prayed for and needless to say that if an appeal is preferred by the petitioners, same would be decided by competent authority or Court considering the merits of the appeal.

4. In rest of the petitions namely, Writ

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Petition Nos. 1247 of 2019, 1275 of 2019, 1249 of 2019, 1257 of 2019, 1264 of 2019, and 4881 of 2019, a statement is made in the affidavit-in-reply filed on behalf of Corporation that till date, award is not passed. Same is likely to be passed in next two months.

5. In view of the fact that the award is not passed, it can safely be said that the writ petitions are premature and considering this very fact, we see no reason to entertain premature writ petitions. Writ Petitions are accordingly dismissed and disposed of.

6. Mr. Talhar, learned Counsel for the petitioners states that in case, the award is passed and the petitioners are aggrieved by inadequate compensation, they be permitted to take appropriate remedies including preferring appeals under Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. In case, such appeals are preferred by the petitioners, needless to say that the competent authority or Court to

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decide the appeals so preferred on their own merits.

7. Writ Petitions are accordingly dismissed and disposed of.

[AVINASH G. GHAROTE, J.] [PRASANNA B. VARALE, J.]

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