

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

WRIT PETITION NO.389 OF 2019

ANSHABAPU DHONDIBA PHALKE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

...

Mr.Subham D. Jaybhar Advocate h/f. Mr.D.R. Jaybhar Advocate
for Petitioners.

Mr.A.P. Bhandari Advocate for Respondents No. 4 and 5.

...

**CORAM: SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.**

DATE : 10th DECEMBER, 2020

ORDER :

1. Learned counsel for the petitioners submits that an improper multiplier has been applied while awarding compensation to petitioners' affected land. Although it is agricultural land, multiplier of urban land has been applied.

2. Mr. Bhandari, learned counsel appearing for respondents No. 4 and 5 points out Section 10 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and submits that against the decision by the competent authority, if same is not acceptable to either of the parties, a remedy has been provided under Section 10(2) of said Act.

3. Section 10(1) and (2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, reads thus:

“ 10. Compensation.- (1) Where in the exercise of the powers conferred by section 4, section 7 or section 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the Central Government, the State Government or the corporation, as the case may be, shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

(2) If the amount of compensation determined by the competent authority under subsection (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge. ”

4. Having regard to the provisions referred to above, we consider it expedient that the petitioners may avail of the remedy as available. All the points are kept open for the parties.

5. Time consumed in prosecution of the petition may be considered, if it comes to consideration of delay in approaching the district judge.

6. Writ petition is accordingly disposed of.

[R.G. AVACHAT, J.]

asb/DEC20

[SUNIL P. DESHMUKH, J.]