

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

WRIT PETITION NO.5924 OF 2020

**NAMDEO DADABA BHOSALE
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Advocate for the Petitioner : Shri S.D. Jayabhar h/f Shri Jayabhar
Dattatraya R.

Standing Counsel for Respondent 1 : Shri S.S. Deve
Advocate for Respondents 2 and 4 : Shri A.P. Bhandari
AGP for Respondent 3 : Shri S.G. Sangle

...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 14th December, 2021

Per Court :-

1. Leave to add the Indian Oil Corporation Limited as respondent No.4. Addition be carried out forthwith.
2. Issue notice to the added respondent No.4. Shri Bhandari, the learned advocate, causes an appearance and waives service of notice on behalf of respondent No.4.
3. By this Writ Petition, the petitioner has put forth prayer clauses C, D and E as under :-

“C) The respondents No.2 may kindly be directed to compensate the petitioner of his acquired

land Survey No.22 area adm. 36 R as per market rate and as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the circulars.

- D) The respondents No.2 may kindly be directed to compensate the petitioner of his acquired land Survey No.22 area adm. 36 R as per produced before the authority within 3 months.*
- E) The respondent No.2 may kindly be restrained from constructing the petroleum pipeline at village Khakalwadi, Tq.Ashti, Dist. Beed in Survey No.22 during the pendency of the instant Writ Petition.”*

4. Respondent No.4 has sworn an affidavit in reply dated 16.11.2021 through Prasanta Kumar Behera, Deputy General Manager (Construction), Indian Oil Corporation Limited, which is tendered across the bar. The contention is that the new Act i.e. the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would not be applicable to the case of the petitioner.

5. It is further pointed out by placing reliance upon the order passed by this Court (Coram : Sunil P. Deshmukh and R.G. Avachat, JJ) dated 10.12.2020 in Writ Petition No.389/2019 filed by ***Anshabapu Dhondiba Phalke and others vs. Union of India and others*** and the order passed by this Court (Coram : Sunil P.

Deshmukh and Abhay Ahuja, JJ) dated 16.02.2021 in Writ Petition No.6732/2019 filed by ***Sangita Dinesh Karle and others vs. Union of India and others***, that these orders have been passed by this Court in connection with the petitioners involved in the same land acquisition.

6. Shri Bhandari, the learned advocate, therefore, submits that there is a statutory remedy available under Section 10(2) of the Petroleum Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (for short “the Act of 1962”).

7. The learned advocate for the petitioner submits that the other petitioners whom he had represented in the above mentioned matters, have resorted to statutory remedy under Section 10(2) of the Act of 1962. He is agreeable to approach the said authority under the said provision.

8. In view of the above, this Writ Petition is disposed off with liberty to the petitioner to avail of a remedy under Section 10(2) of the Act of 1962.

9. The learned advocates representing the respective respondents consent and we record that there shall be no objection as regards the maintainability of the proceedings post initiation of the same by this petitioner under Section 10(2).

10. The time spent by the petitioner before this Court from 20.07.2020 until a further period of one month from the passing of this order today, shall be treated as being excluded for the purpose of limitation.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)