



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1464 OF 2024 IN
WRIT PETITION NO. 921 OF 2024

Amol Wasudevrao Dhanorkar and others. Vs. State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Rugved Dhore, counsel for the applicant.

Mr. H.R.Dhumale, AGP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/05/2024.

1. By this application, the applicant has challenged the notice dated 22/04/2024. It is submitted by learned counsel for the applicant that in the year 2017, the Central Government prescribed the non-applicant /State to take up irrigation through underground by pipelines. Section 3 of the Maharashtra Underground Pipelines and Underground Ducts (Acquisition of Right of User in Land) Act, 2018 (for short 'the Act of 2018') provides for the declaration, intention to acquire the right of user in such land, that further provides for objections, declarations, power to enter lying of actual pipelines restrictions and then Section 9 provides for payment of compensation for damages and compensation for acquisition of right of users and then the entire comprehensive mechanism is provided by the Act.

2. He submitted that the State of Maharashtra sanctioned the underground water distribution system

from “Park River Project” as per the letter dated 27/05/2020. The said underground distribution system starts from “Park River Project” and goes through the agricultural land of the villagers like Bopalwadi, Maywadi, Dapori, and Dongarawali. For the purpose of laying of such underground pipelines through the fields of the applicant, it was imperative for the State to acquire the right of user of the land of the applicant by observing compliance of the procedure prescribed in the Act of 2018.

3. He submitted that without following the due procedure, in view of the provisions of Sections 3 and 4 of the Act of 2018, respondent No.5 is attempting to erect the said pipeline by entering into the field of the present applicant raising apprehension of loss to the present applicant, due to the entry of the vehicles in the agricultural field of the applicant, and if the vehicles to erect the pipelines are entered in the field, the irreparable loss would be caused to the present applicant. In view of that, he prays for the status-quo.

4. Learned AGP waives service of notice on behalf of the non-applicant Nos. 1 to 3/State.

5. Issue notice to the non-applicant Nos. 4 and 5.

6. In the meantime, till the appearance of the non-applicant Nos. 4 and 5. The non-applicant Nos. 4 and 5 shall not take any coercive steps to erect the pipeline by entering into the field of the present applicant.

7. Stand over after Summer Vacation-2024.
8. Humdast is granted.

[URMILA JOSHI-PHALKE, J.]