



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 404/2024

(DILIP MANIKRAO DHANDE & OTHERS **VERSUS** UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri T.R. Kumar with Smt. S.V. Taksande, counsel for the petitioners.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JANUARY 17, 2024.

We have heard the learned counsel for the petitioners.

2. The challenge in the writ petition is to the constitutional validity of sub-Section 4 of Section 10 of the Petroleum and Minerals Pipeline Act, 1962.

3. The counsel for the petitioners would urge that the land of the petitioners was used for laying down underground pipeline for which the provision of award of compensation is made under the aforesaid Act. According to the counsel for the petitioners once the pipeline is laid, the petitioners-land owners would be put to restrictive use of the said land since they can neither carry out any permanent development over the said land nor they can plant the fruit bearing trees over it. As such, the land in question which is used for laying down the pipeline would be almost useless for the petitioners. The award of compensation under the aforesaid provision is too meager when compared to what has been provided under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the aforesaid backdrop, he would urge that the constitutional right of the petitioners under Article 300A is violated by giving effect to the aforesaid provision as the petitioners are unable to enjoy the land in question.

4. Issue notice to the respondents returnable on February 14, 2024.

5. Learned Deputy Solicitor General of India Shri N.S. Deshpande waives service of notice for the respondent no.1.

6. Learned Assistant Government Pleader Shri H.D. Marathe waives service of notice for the respondent nos.2 and 3.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

APTE