



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

WRIT PETITION NO.6770/2024

Mr. Namdeo S/o Sampatrao Wade

...Versus...

Tahasildar, Nagpur (Rural), Mouza - Sonurli, Tal- Nagpur (Rural), Nagpur and
another

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

Court's or Judge's orders

Mrs. Pallavi Mahashabde, Advocate for petitioner
Mr. N.R. Patil, AGP for respondent No.1
Mr. Neerja Chaubey, Advocate for respondent No.2

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : 17/03/2025

1. The only grievance by the petitioner is that though a pipeline has been directed to be laid under the lands of Survey Nos.37 and 38 of Mouza Sonurli, Nagpur (Rural), no compensation is being paid to the petitioner.
2. A perusal of the impugned order dated 03/03/2023 indicates that in exercise of power under Section 49 of the Maharashtra Land Revenue Code, 1966 (for short hereinafter "MLR Code") the Tahsildar, Nagpur (Rural) has granted permission to lay the pipeline underneath the aforesaid lands at the request of the respondent No.2, so that the lands of the respondent No.2 are not inundated. Though the impugned order dated 03/03/2023 does not indicate grant of any compensation, however, since permission has been granted by the respondent No.2 in exercise of the power under

Section 49 of the MLR Code, the landowners, underneath whose lands the pipeline is permitted to be laid, would be entitled to such compensation, as is provided in Section 49 (2) (iv) (b) of the MLR Code.

3. We, therefore, dispose off the writ petition by directing the respondent No.1 to take steps to determine the annual rent, in terms thereof, to be paid to the landowners. The same shall be done within a period of four weeks from today.

4. Needless to say that the responsibility to pay the annual rent, as may be fixed by the Tahsildar, shall that of the respondent No.2 i.e. the Railways, who shall not make any default for payment of the same.

5. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)