



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

WRIT PETITION NO. 404 OF 2024

1. Dilip Manikrao Dhande
Age-54 Yrs., Occ- Agricultural
R/o. Ward no. 5, Azad Chowk Tarsa,
Tarsa, Tah. Mauda, Tarsa,
Nagpur, 441106.
2. Rama Mahadeo Wandhre
Age- 41 Yrs., Occ- Agricultural
R/o. Ward no. 1, At Post- Tarsa,
Tah. Mauda, Nagpur 441106.
3. Nirmala Purushottam Bhole
Age- 48 Yrs., Occ- Agricultural
R/o Ward no. 5, At Post- Tarsa,
Tah. Mauda, Nagpur, 441106.
4. Kalpana Purushottam Wandhre
Age-40 Yrs., Occ- Agricultural
R/o Ward no. 5, At Post- Tarsa,
Tah. Mauda, Nagpur, 441106.
5. Bhagwan Sampat Pise
Age-74 Yrs., Occ- Agricultural
R/o Ward no. 4, At Post- Tarsa,
Tah. Mauda, Nagpur, 441106.
6. Narmada Ratanji Nanhore
Age- 76 Yrs., Occ- Agricultural
R/o Ward no. 4, At Post- Tarsa,
Tah. Mauda, Nagpur, 441106.
7. Surekha Satyawar Lambat
Age- 40 Yrs., Occ- Agricultural

R/o Dnanath Ward, Mu. Post. Pipri,
Pipri, Bhandara, 441906.

8. Baliram Natthuji Mehar
Age- 70 Yrs., Occ-Agricultural
R/o Mu. Isapur, Post. Babdeo,
Tah. Mauda, Nagpur, 441106.
9. Changdeo Vasudeo Giradkad
Age-58 Yrs., Occ- Agricultural
R/o At. Tarsa, Post - Tarsa,
Taluka Mauda, Nagpur, 441106.
10. Keshaw Shamrao Pise
Age-62 Yrs., Occ- Agricultural
R/o Ward no. 4, At Post- Tarsa,
Tah. Mauda, Nagpur, 441106.
11. Ankush Prasad Narayan Pande
Age- 74 Yrs., Occ- Agricultural
R/o Ward no. 4, At Post- Tarsa,
Tah. Mauda, Tarsa, Nagpur, 441106.
12. Asha Anil Khandagale
Age- 65 Yrs., Occ- Agricultural
R/o Sawali, Tah. Kalmeshwar,
Nagpur, 441106.
13. Gajanan Balchandra Meshram
Age-46 Yrs., Occ- Agricultural
R/o Mangali Gosawi, At Post-Tarsa,
Tah. Mauda, Tarsa, Nagpur, 441106.

PETITIONERS

Versus

1. Union Of India
Through its Secretary, Ministry of

Petroleum and Natural Gas Having office At- GAIL Bhawan, 16, Bhikaji Cama Place R.K. Puram, New Delhi.

2. Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at- GAIL Bhawan, 3rd Floor, Sector 15, Plot no-73, road no-3, C.B.D.Belapur, New Mumbai-400614.
3. Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) 1962, Having office at-100, Rana House, 3rd floor, Ramdaspath, Nagpur-440010.
4. Gas Pipeline Infrastructure Limited (Formerly Known as GAIL (INDIA) Ltd) Through Chairman and Director,
R/O-GAIL Bhawan, 16, Bhikaji Cama Place R K Puram, New Delhi-110066.

RESPONDENTS

WITH

WRIT PETITION NO. 2504 OF 2024

1. Dipak S/o Vasantraoji Choudhari
Age-32 Yrs. Occu- Farmer
R/o- Nawargaon, po rewral in mouda,
Nawargaon 441401.
[Mouza- Nawargaon Nagpur, Survey
No-248/2/A/1]
2. Shravan S/o Doma Menghre
Age-74yrs, Occu- Farmer
R/o- Ward No.1 Nawargaon rewral
441401.
[Mouza- Nawargaon Nagpur Survey
No-111, 114, 109]
3. Gangadhar S/o Lahanu Gawande
Age-53 Yrs, Ocuu- Farming
R/o- Nawargaon Nagpur – 441401
[Mouza- Nawargaon, Survey
No-157/2]
4. Manoj S/o Vasantrao Choudhari
Age-29 yrs, Occu- Farming
R/o- Nawargaon, Nagpur-441401.
[Mouza-Nawargaon, Survey No –
248/2/B/1]
5. Dinesh S/o Gajanand Hiwse
Age-39 yrs, Occu- Farming
R/o- Nawargaon Rewral
Nagpur-441401.
[Mouza-Nawargaon, Survey No-164]
6. Vikash S/o Madhavrao Choudhari
Age-34 Yrs, Occu-Farming
R/o- plot no. 90 Nawargaon rewral

Nagpur-441401.

[Mouza- Nawargaon, Survey
No-134/2]

7. Pramila W/o Madhaorao Chaudhari
Age-58 Yrs., Occu- Farmer,
R/o-Nawargaon Nagpur-441401.
[Mouza- Nawargaon, Survey
No-134/3].
8. Sankapal S/o Istaru Manapure
Age-49 Yrs, Occu-farming
R/O - Kharbi post – Khapa
Bhandara 441912
[Mouza-kharbi, Survey No.-615]
9. Bhagrata Aanandrao Manapure
Age-75 Yrs, Occu- Farmer
R/O- Nehru Ward kharbi,
Bhandara -441912
[Mouza-Kharbi, Survey No.610]
10. Rajendra S/o Ramdas Gade
Age-71 Yrs., Occu-Farmer,
R/o- Moregaon Nagpur-441106.
[Mouza- Moregaon, Survey No
-194,183]
11. Dewchand S/o Ramdasji Gabhane
Age-71 Yrs., Occu-Farmer,
R/o- Tanda Moregaon Nagpur-441106.
[Mouza-Tanda, Survey No.-66]
12. Aanandrao S/o Chindhu Bante
Age-72 Yrs, Occu-Farmer
R/o- Pimpalgaon, morgaon
Nagpur -441106 [Mouza-pimpalgaon,
Survey No – 166, 190]

PETITIONERS

Versus

1. Union Of India
Through its Secretary, Ministry of Petroleum and Natural Gas Having office At-GAIL Bhawan, 16, Bhikaji Cama Place R.K.Puram, New Delhi.
2. Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at- GAIL Bhawan, 3rd Floor, Sector 15, Plot no-73, road no-3, C.B.D.Belapur, New Mumbai-400614.
3. Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) 1962, Having office at-100, Rana House, 3rd floor, Ramdaspath, Nagpur-440010.
4. Gas pipeline infrastructure limited (President)
(Formerly Known as GAIL (INDIA) Ltd)
R/o-GAIL Bhawan, 16, Bhikaji cama place R K Puram, New Delhi-110066.

5. District Collector Bhandara,
R/o-Collector office, Raipur Hwy,
MSEB Colony, Bhandara -441904.
6. Tahsildar Tumsar Tahsil office,
Rajendra Nagar, Tumsar -441912.
7. District Collector Nagpur,
R/o Ravindranath Tagore Marg, Civil
Lines, Nagpur -440001.
8. S.D.O. Nagpur City VCA Stadium
Complex, 129, Ravindranath Tagore
Marg Civil lines, Nagpur -440001. **RESPONDENTS**

WITH

WRIT PETITION NO. 1419 OF 2024

1. Vijay Shyamrao Singanjude
Age-63 Yrs. Occu- Retire
R/O- 148, Madha colony, khat Road,
Bhandara-441904.
[Mouza- Kharbi, Survey No- 637/1]
2. Dilip Umrao Belurkar
Age-55 yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-586/1]
3. Aasaram Bhiva Singajude
Age- 76 Yrs, Ocuu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-637/3]

4. Sitaram Tukaram Sindapure
Age-74 yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza- Panjara (Devhadi), Survey
No-159]
5. Moreshwar Ramprasad Singanjude
Age- 48 yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza- Kharbi, Survey No- 637/2]
6. Kamlesh Jaydeo Gabhane
Age-32 Yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-587]
7. Rajaram Sitaram Giripunje
Age-49 Yrs, Occu-farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza- Kharbi, Survey No.-47]
8. Girdhari Ramprasad Singajude
Age-52 Yrs., Occu- Farming,
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-587]
9. Umrao Bhiwaji Singanjude
Age-72 Yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-637/4]

10. Namdeo Sadashiv Gomase
Age- 65 Yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-587/2]
11. Radheshyam Gawatu Giripunje
Age-48 yrs, occu- Retired
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza-Kharbi, Survey No-265]
12. Ravishankar Harichandra Giripunje
Age- 64 yrs, Occu- Farming
R/O- Kharbi post, Khapa,
Bhandara-441912
[Mouza- Kharbi, Survey No-36 and
402]
13. Sunanda Ramshankar Bhelve
Age- 56 yrs, occ- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Kharbi, Survey No-398]
14. Ramshankar Govinda Bhelave
Age-61 Yrs, Occu-Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 94]
15. Govardhan Chitaman Manapure
Age-86 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No-131 & 135]

16. Nandram Nagoji Bhivgade
Age- 54 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 41]
17. Mangesh Niranjan Waghmare
Age- 35 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 200/1/2]
18. Laxmikant Jaychand Manapure
Age-40 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 237 and 238]
19. Harichand Maroti Bangalkar
Age- 69 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 225/1/1 and 225/2/1]
20. Shyamkumar Karu Deshmukh
Age- 61 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No-226]
21. Harishchandra Bhayyalal Sakure
Age-58 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912 [Mouza-
Tudaka, Survey No- 44 and 46]

22. Rambhau Yadorao Deshmukh
Age-58 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 67/2]
23. Raju Govindrao Deshmukh
Age- 54 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 140 and 295]
24. Dilip Harichand Waghmare
Age- 46 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 239 and 292]
25. Parmeshwar Vasudeo Deshmukh
Age- 52 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza- Tudaka, Survey No- 139 and 227]
26. Narayan Gungaji Deshmukh
Age- 76 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 55/1]
27. Maniklal Kavalu Deshmukh
Age- 65 Yrs, Occu- Farming
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 55/2]

- 28.** Tilak Gopaldev Mahajan
Age-59 Yrs, Occu- Farming
R/O- Ward no-1. At Post- Mangasa,
Tal- Saoner Dis- Nagpur-441112
[Mouza-Mangsa, Survey no-218]
- 29.** Ramesh Nago Bagde
Age- 62 yrs., Occu- Farming
R/O- Ward no-3. At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza-Mangsa, Survey no-242]
- 30.** Shubham Hemraj Rahate
Age- 26 yrs., Occu- Farming
R/O- Ward no-1, At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no.61]
- 31.** Hiralal Shyamrao Dhamde
Age-73 yrs., Occu- Farming
R/O- Ward no-1, At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no.61]
- 32.** Satish Gendlal Mahajan
Age- 30 yrs., Occu- Farming
R/O- Ward no-3, At Post-Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza-Mangsa, Survey no-217]
- 33.** Daryadeo Nishchaldeo Bhute
Age- 79 Yrs., Occu- Farming
R/O- Parsodi, Dis- Nagpur- 441107
[Mouza- Aashti(Bud), Survey no-56]
- 34.** Shobhabai Daryadeo Bhute
Age- 70 Yrs, Occu- Farming
R/O- Parsodi, Dis- Nagpur- 441107

[Mouza- Aashti(Bud), Survey no-57]

- 35.** Vinod Shripat Mahajan
Age- 56 yrs., Occu- Farming
R/O- Ward no-3, At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no-257
/258/2]
- 36.** Sunil Balaji Tagade
Age- 52 Yrs, Occu- Farming
R/O- Ward no-3. At Post-Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza-Mangsa, Survey no-256]
- 37.** Lalita Champat Mahajan
Age-53 Yrs., Occu- Farming
R/O- Ward no-3, At Post-Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no-147/3]
- 38.** Champat Kisan Mahajan
Age-62 Yrs., Occu- Farming
R/O- Ward no-3, At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no-259]
- 39.** Surajlal Balakdoji Bhute
Age- 56 Yrs., Occu- Service
R/O-44, rathi Layout, Zingabai takli,
Mankapur, Nagpur – 440030
[Mouza- Aashti(Bud) Survey No- 55]
- 40.** Tejram Panjab Rahate
Age-49 Yrs., Occu- Farming
R/O- Ward no-1, At Post-Mangasa,
Tal- Saoner, Dis-Nagpur-441112
[Mouza- Mangsa, Survey no-115]

41. Sanjay Ram Dhamde
Age-49 yrs., Occu- Farming
R/O- Ward no-1, At Post-Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no.-59]
42. Ramesh Hiramandeo Tagde
Age-68 Yrs., occu- Farming
R/O- Ward no-1, At Post-Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no.-33]
43. Vijaya Ramesh Tagde
Age- 60 Yrs., Occu- Farming
R/O- Ward no-1, At Post- Mangasa,
Tal- Saoner, Dis- Nagpur-441112
[Mouza- Mangsa, Survey no-32/B]
44. Suresh Muniraj Ghate
Age-53 Yrs., Occu- Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey No-
504]
45. Meghraj Muniraj Ghate
Age- 52 Yrs., Occu-Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey
No-313]
46. Asmit Prakash Dhunde
Age-28 Yrs., Occu- Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey No-
32/3]

- 47.** Sanjay Bapurao Dhunde
Age-47 Yrs., Occu- Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey
No-32/5]
- 48.** Vinod Bapurao Dhunde
Age- 36 Yrs., Occu- Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey
No-488 and 32/1]
- 49.** Bhagwan Natthuji Chorghade
Age- 71 Yrs., Occu- Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey
No-33]
- 50.** Suresh Hari Babde
Age-62 Yrs, Occu-Farming
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-441502
[Mouza- Parsodi (wakil), Survey No-
400/3]
- 51.** Ramesh Doma Kamale
Age-60 Yrs., Occu-Farming
R/O -At Mangasa, Tal. Saoner - 441112
[Mouza-Mangasa, Survey No- 121 &
122)
- 52.** Heera Bapurao Dhunde
Age- 70 Yrs., Occu- Farming,
R/O- Ward no-1, Parsodi (wakil),
Kalmeshwar, Dis- Nagpur-02

[Mouza- Parsodi (wakil), Survey No- 32/2]

- 53.** Radhika Mitaram Moharkar
Age-73 Yrs., Occu- Farming,
R/O- Devhadi Tudka, Khapa,
Dis- Bhandara-441912
[Mouza-Tudaka, Survey No- 199/2]

Versus

- 1.** Union Of India
Through its Secretary, Ministry of Petroleum and Natural Gas Having office At- GAIL Bhawan, 16, Bhikaji Cama Place R.K. Puram, New Delhi.
- 2.** Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at- GAIL Bhawan, 3rd Floor, Sector 15, Plot no-73, road no-3, C.B.D. Belapur, New Mumbai-400614.
- 3.** Deputy Collector and Competent Authority, (For Gas Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at-100, Rana House, 3rd floor, Ramdaspath, Nagpur-440010.

4. Gas Pipeline Infrastructure Limited (Formerly Known as GAIL (INDIA) Ltd)
R/O- GAIL Bhawan, 16, Bhikaji Cama Place R K Puram, New Delhi -110066.
5. District Collector Bhandara
R/O - Mr. Yogesh Kumbhejkar
Collector office, Raipur Hwy, MSEB Colony, Bhandara-441904.
6. Tahsildar Tumsar
R/O - Tahsil Office, Rajendra nagar, Tumsar-441912
7. District Collector Nagpur
R/O- Ravindranath Tagore Marg, Civil Lines, Nagpur-440001.
8. Tahsildar Saoner
R/O - Tahsil Office, Chindwada road, Saoner- 441107
9. Tahsildar Kalmeshwar
R/O- Tahsil Office, Kalmeshwar-441501
10. S.D.O. Nagpur City
R/O- VCA Stadium Complex, 129, Ravindranath Tagore marg Civil Lines, Nagpur-440001
11. S.D.O. Tumsar
R/O- S.D.O. office, Tumsar-441912.

RESPONDENTS**WITH**

WRIT PETITION NO. 761 OF 2024

1. Asha Anil Khandagale
Age- 65 Yrs., Occ-Agricultural
R/o Sawali, Tah. Kalmeshwar,
Nagpur, 441106
2. Dilip Filchand Meshram
Age: 55 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 441106.
3. Bakubai Pandurang Hatwar
Age: 78 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa,
Mangli (Gosai) Tarsa, Nagpur 441106.
4. Shivshankar Pandurang Hatwar
Age: 41years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 441106.
5. Moreshwar Pandurang Hatwar
Age: 45 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 441106.
6. Namdeo Kashinath Hatwar
Age: 63 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 441106
7. Damodar Vatuji Hatwar
Age: 72 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 441106
8. Pandurang Motiram Kawde
Age: 70 years, Occu: Agriculture,

Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 06.

9. Kailas Baburao Dhande
Age: 35 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 06.
10. Vilas Baburaoji Dhande
Age: 41 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 06.
11. Deorao Bhagwanji Thosre
Age: 58 years, Occu: Agriculture,
Mu. Mangli Gosai, Post. Tarsa, Mangli
(Gosai) Tarsa, Nagpur 06.
12. Khushal Baburaoji Dube
Age: 60 years, Occu: Agriculture,
Near Gajanan Maharaj Mandir,
Ward No.5, Laxmi Nagar,
At Post. Mauda, Nagpur 441104.
13. Hemraj Bapurao Kakde
Age: 71 years, Occu: Farming
R/o. House no.690, Ward no. 2,
Mondha, Hingna, Nagpur, 441110.
14. Ramdas Bapurao Kakde
Age: 71 years, Occ: Farming
R/o. House no.690, Ward no. 2,
Mondha, Hingna, Nagpur, 10.
15. Tukaram Keshav Kakde
Age: 69 years, Occu: Farming
R/o. VTC, Mondha, Hingna,
Nagpur, 10.

- 16.** Ramesh Keshav Kakde
Age: 69 years, Occu: Farming
R/o. Hingna, Mondha, Hingna,
Nagpur, 10.
- 17.** Yashwant Bhaurao Kakde
Age: 49 years, Occu: Farming
R/o. Plot no. 270, Ward No. 2, Near
Govt. Hospital, Mondha, Hingna,
Nagpur, 441110.
- 18.** Manoj Bhaurao Kakde
Age: 44 years, Occu: Farming
R/o. Hingna, Mondha, Hingna,
Nagpur.
- 19.** Nanda Anil Mankar
Age: 46 years, Occ. Farming,
R/o. Neri Mankar Hingna,
Vyahad Bizk, Nagpur. 023.
- 20.** Mirabai Bhaurao Kakde
Age: 71 years, Occ Farming,
R/o. Hingna, Mondha,
Hingna, Nagpur.
- 21.** Sulochana Chandan Naik
Age: 49 years, Occ: Farming,
R/o. Ward no. 2, Nilgaon,
Nilgaon (Boargaon), Near Gram
Panchayat, Kalmeshwar, Nagpur-07.
- 22.** Roshan Chandan Naik
Age: 28 years, Occ Farming,
R/o. Ward no. 2, Nilgaon, Nilgaon
(Boargaon), Near Gram panchayat,
Kalmeshwar, Nagpur- 07.

- 23.** Akash Chandan Naik
Age: 31 years, Occu: Farming,
R/o. Ward no. 2, Nilgaon, Nilgaon
(Boargaon), Near Gram hayat,
Kalmeshwar, Nagpur- 07.
- 24.** Priyanka Tushar Nagdive
Age: 30 years, Occ: Nil,
R/o. Budhavihar Lumbini Nagar,
Bezanbag Nagpur- 07.
- 25.** Alka Ashok Khade
Age: 52 yrs., Occ. Farming,
R/o. 38/1, Ward no. 3, Near Nagoba
Mandir, Juna Nanda, Nagpur.
- 26.** Vikas Ashok Khade
Age: 26 yrs., Occu. Farming,
R/o. 38/1, Ward no. 3, Near Nagoba
Mandir, Juna Nanda, Nanda, Nagpur.
- 27.** Akash Ashok Khade
Age: 28 yrs., Occu. Farming,
R/o. 38/1, Ward no. 3, Near Nagoba
Mandir, Juna Nanda, Nanda.

PETITIONERS

Versus

- 1.** Union Of India
Through its Secretary, Ministry of
Petroleum and Natural Gas Having
office At-GAIL Bhawan, 16, Bhikaji
Cama Place R.K. Puram, New Delhi.
- 2.** Deputy Collector and Competent
Authority, (For Gas Pipeline

Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at- GAIL Bhawan, 3rd Floor, Sector 15, Plot no-73, road no-3, C.B.D. Belapur, New Mumbai-400614.

3. Deputy Collector and Competent Authority, (For Pipeline Infrastructure Ltd.), (Formerly Known as GAIL (India) Ltd.) Duly appointed under section 2(a) of the Petroleum and Minerals Pipeline Acquisition Of Right and user in Land) Act 1962, Having office at-100, Rana House, 3rd floor, Ramdaspeth, Nagpur-440010.

4. Gas Pipeline Infrastructure Limited (Formerly Known as GAIL (INDIA) Ltd) Through Chairman and Managing Director,
R/O-GAIL Bhawan, 16, Bhikaji Cama Place R K Puram, New Delhi-110066.

RESPONDENTS

Mr. T.R.S. Kumar, Advocate a/b Mrs. S.V. Taksande, Advocate for the Petitioners in WP Nos.404/2024 & 761/2024.

Mr. V.K. Belekar, Advocate for the Petitioners in WP No.2504/2024.

Mrs. P.A. Mahashabde, Advocate for the Petitioners in WP No.1419/2024 and for Intervenor in WP No.404/2024.

Mr. N.S. Deshpande, DSGI for the Respondent/Union of India.

Mr. Atul Pande, Advocate for the Respondent Nos. 2 to 4.

Mr. A.S. Fulzele, Addl.GP for the Respondent/State.

Mr. P.R. Puri, Advocate for the Intervenor in WP No.404/2024.

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

Date of reserving the Judgment : 13th MARCH, 2025

Date of pronouncing the Judgment : 1st APRIL, 2025

ORAL JUDGMENT :- (PER : AVINASH G. GHAROTE, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally, with the consent of the learned Counsels appearing for the rival parties.

3. The Petition challenges the constitutional validity of Section 10(4) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the “PMP Act 1962” for short) on the ground that it is arbitrary, oppressive, unjust, unfair and also amounts to violation of the rights of the citizens such as the Petitioners, to hold the property in terms of Article 300-A of the Constitution of India.

4. Mr. Kumar, learned Counsel for the Petitioners in Writ Petition No.404/2024, submits that coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the “RFCTLARR Act” for short) was a revolutionary action on the part of the Union, in combining all the provisions regarding compensation, rehabilitation and resettlement, which were not existing earlier in point of time, and relating them to the market value of the land. He further submits, that though the State may acquire land, the same has to be for just and fair compensation and it is only if it is held, that the RFCTLARR Act, is applicable to the vesting under the PMP Act 1962, then such a result could be obtained, in which circumstances, the owner would get just and fair compensation in terms of the RFCTLARR Act.

4.1. He compares Section 6(2) of the PMP Act 1962 with that of Section 3-D(2) of the National Highways Act, 1956 (hereinafter referred to as the “NH Act 1956” for short), to contend that they are *pari materia*, in view of which, the provisions of the NH Act 1956 will have to be held to be

applicable to the acquisition under the PMP Act 1962.

4.2. He further contends, that under the PMP Act 1962 an area, of nearly 20 meters on either side of the pipeline which is at a depth of 2 to 4 meters at places, stands unusable and unavailable, to the landowner, which in fact, would be a species of vesting of the land as contemplated by the RFCTLARR Act, on account of which, the provisions thereunder for the purpose of grant of compensation would become applicable.

4.3. He further submits, that on account of the applicability of the doctrine of eminent domain, the landowners having title over the property, cannot be deprived of the same, without just and fair compensation being paid, which would equally apply, for being deprived even to the right to use the land as contemplated by the provisions of the PMP Act of 1962 and the compensation of 10% of the market value, cannot be said to be just and fair for such deprivation.

4.4. He further invites our attention to para 22 and 23 of the Statement of Objects and Reasons of the RFCTLARR Act, to

contend, that the Act is in addition to and not in derogation, to the provisions of the other statutes relating to acquisition. In fact, it is his contention, that the entire law regarding acquisition including those contained in 13 Acts, which are indicated in Fourth Schedule of the RFCTLARR Act, has been merged into the RFCTLARR Act by providing acquisition, compensation and rehabilitation in respect to the lands also acquired under these Statutes.

4.5. He further submits, that the ready reckoner value is not a market value, for at times transactions are at even higher rate and may be at times, the correct value is not reflected in the transactions, and therefore, on this count the cut-off limit of 10% is unreasonable and unjust, as there is no basis for the same.

4.6. He further submits, that for all agricultural purposes, a landowner is deprived of the ownership of the land inasmuch as consequent to the vesting of the right of the user in the Authority he cannot make any construction or plant any trees or for that matter take any crop, over a distance, to the

length of the pipeline passing through the fields of the owner and across the distance of 20 meters in totality, which results in deprivation of the right to his property on account of the pipeline which is akin to vesting of the land under the RFCTLARR Act and also similar vesting as contemplated by Section 3-D(2) of the NH Act of 1956.

4.7. He therefore submits, that the provisions of Section 10(4) of the PMP Act of 1962, inasmuch as they put a restriction of 10% of the market value, for the purpose of compensation as the outer limit, for the acquisition of the land are clearly unsustainable, considering the law which is applicable and the intention of the legislature in providing the just and fair compensation to a person who is deprived of the user of the property on account of its acquisition under the PMP Act of 1962.

4.8. He further relies upon the notification dated 28.08.2015 issued under Section 113 of the RFCTLARR Act (page 91), whereby the proviso of the said Act have been made applicable to the enactments listed under the Fourth Schedule

of the RFCTLARR Act and submits, that the Petitioners are therefore, entitled for grant of compensation in terms of mandate of the RFCTLARR Act.

4.9. He also relies upon the following judgments in support of his contention:

<i>Sr.No.</i>	<i>JUDGMENTS</i>	<i>CITATIONS</i>
1.	<i>Kesavananda Bharati v. State of Kerala.</i>	<i>(1973) 4 SCC 225</i>
2.	<i>Y.A. Mamarde & Ors. v. Authority under the Minimum Wages Act (Small Causes Court) Nagpur and Ors.</i>	<i>(1972) 2 SCC 108</i>
3.	<i>Ajaib Singh v. The Sirhind Co-Operative Marketing Cum-Processing Service Society Limited and Ors.</i>	<i>(1999) 6 SCC 82</i>
4.	<i>Angrej Kaur v. Union of India (UOI) and Ors.</i>	<i>(2005) 4 SCC 446</i>
5.	<i>Kailash Chand and Ors. v. Dharam Das</i>	<i>(2005) 5 SCC 375</i>
6.	<i>Madhu Kishwar and Ors. v. State of Bihar and Ors.,</i>	<i>(1996) 5 SCC 125</i>
7.	<i>Badshah v. Urmila Badshah Godse and Ors.</i>	<i>(2014) 1 SCC 188</i>
8.	<i>Pritam Pal v. High Court of Madhya Pradesh, Jabalpur through Registrar.</i>	<i>(1993) Supp 1 SCC 529</i>
9.	<i>Dev Sharan and Ors. v. State of Uttar Pradesh and Ors.</i>	<i>(2011) 4 SCC 769</i>
10.	<i>Radhy Shyam v. State of Uttar Pradesh</i>	<i>(2011) 5 SCC 553</i>

11.	<i>Rustom Cavasjee Cooper v. Union of India.</i>	<i>(1970) 3 SCR 530</i>
12.	<i>Aswin kumar Ghos & Ors. v. Arabinda Bose.</i>	<i>AIR 1952 SC 369</i>
13.	<i>Indian Handicrafts Emporium & Ors. v. Union of India.</i>	<i>(2003) 7 SCC 589</i>
14.	<i>Chairman Indore Vikas Prathikaran v. Pure Industrial Coke & Chemicals Ltd.</i>	<i>(2007) 8 SCC 705</i>
15.	<i>P.T. Munichikkanna Reddy and Ors. vs. Revamma and Ors.</i>	<i>(2007) 6 SCC 59</i>
16.	<i>Sooram Pratap Reddy v. District Collector, Ranga Reddy District.</i>	<i>(2008) 9 SCC 552</i>
17.	<i>Amarjith Singh & Ors. v. State of Punjab & Ors.</i>	<i>(2010) 10 SCC 43</i>
18.	<i>Union of India (UOI) and Ors. v. Tarsem Singh and Ors.</i>	<i>(2019) 9 SCC 304</i>

5. Mrs. Taksande, learned Counsel appears for the Petitioners in Writ Petition No.761/2024 and adopts the arguments of Mr. Kumar, learned Counsel for the Petitioners in Writ Petition No.404/2024.

6. Mrs. Mahashabde, learned Counsel appears for the Petitioners in Writ Petition No.1419/2024 and adopts the arguments of Mr. Kumar, learned Counsel for the Petitioners in Writ Petition No.404/2024.

7. Mr. Belekar, learned Counsel appears for the Petitioners in Writ Petition No.2504/2024 and adopts the arguments of Mr. Kumar, learned Counsel for the Petitioners in Writ Petition No.404/2024.

8. Mr. Atul Pande, learned Counsel for the Respondent Nos. 2 to 4, invites our attention to the judgment of the Hon'ble Apex Court in the case of *Laljibhai Kadvabhai Savaliya & Ors. Vs. State of Gujarat & Ors., 2016 (9) SCC 791* (page 131), in which it is contended, that a similar challenge, has been repelled. He further contends, that since the Petitioners are not granted the quantum of compensation awarded under Section 10(4) of the PMP Act 1962, the remedy of filing the appeal before the District Judge under Section 10(5) of the PMP Act 1962, is available to them.

9. Mr. Deshpande, learned DSGI for the Respondent No.1/Union of India, submits that the purpose and intent of the acquisition of the land under the NH Act 1956 and the PMP Act 1962 are two distinct and separate things, inasmuch as according to him, there cannot be any comparison with the

provisions of Section 3-D(2) of the NH Act 1956 and Section 6(2) of the PMP Act 1962, as they operate in two distinct fields and contemplate acquisition of rights differently, inasmuch as under the provisions of Section 3-D(2) of the NH Act 1956, what is acquired and vested is 'land' as compared to the provisions of Section 6(2) of the PMP Act 1962, which does not contemplate acquisition of land but the acquisition of a 'right of user', which would be in a limited sense as compared to acquisition of land. He therefore submits, that there cannot be any comparison between two statutes. He further contends, that the above two provisions are not *pari materia*, and therefore, the plea raised in that regard, for the applicability of the RFCTLARR Act cannot be sustained as both of them operate in different fields altogether.

9.1. He further contends, that considering the nature of vesting of the right of the user in terms of Section 6(2) of the PMP Act 1962, the compensation of 10% of the market value, as contemplated by Section 10(4) of the PMP Act 1962, is reasonable and just, specifically so, in view of the fact, that the owner is not deprived of the right to use the land in its totality

but only in respect of the restrictions, as contemplated by Section 9 of the PMP Act 1962. He further submits, that the land would be available for taking agricultural crops, which would indicate, that there is no absolute deprivation of the user of the land, to the land owner. He therefore submits, that the award of compensation to the extent of 10% as contemplated by Section 6(2) of the PMP Act 1962, is reasonable and fair.

9.2. It is also his contention, that Section 7(1)(i) proviso (a) to (c) of the PMP Act 1962, lays down sufficient safeguards, for an owner of land and assures that there is minimal damage and in cases contemplated by Clauses (a) to (c), they would be exempted from the action of laying down a pipeline.

9.3. He further submits that, Section 7(1)(i) proviso Clause (d) of the PMP Act 1962 further ensures that there would be no impediment in the agricultural cultivation of the lands in question, in spite of the pipeline having been laid, considering the minimum depth prescribed therein, below which the pipeline has to be laid.

10. Mr. Kumar, learned Counsel for the Petitioners, in rebuttal, in relation to the judgment of the Hon'ble Apex Court in *Laljibhai Kadvabhai Savaliya* (supra), submits that the Constitutional validity, to Section 10(4) of the PMP Act of 1962 was never decided there as challenge to the same, was given up, for which he invites our attention to para 11, 12 and 13 of the said judgment. He therefore submits, that the challenge to the validity of Section 10(4) of the PMP Act 1962, is still available to the Petitioners to be raised in the present Petition.

11. Mr. Puri, learned Counsel has filed Civil Application (CAW) No. 477/2024 in Writ Petition No.404/2024, seeking intervention on behalf of the Applicants. We have already heard the matter in extenso and it is now after the above position has been recorded, that the application is being mentioned.

We consider, that since the claim of the Applicants and that of the Petitioners are similar, no useful purpose would be served by permitting the Applicants to join as the intervenors at this stage when the matter is already heard. The application is therefore **rejected**.

12. For the same reason Civil Application (CAW) No.653/2024 in Writ Petition No.404/2024 stands **rejected**, as Mrs. Mahashabde, learned Counsel for the Applicants, who is also the Counsel for the Petitioners in Writ Petition No.1419/2024, has adopted the arguments of Mr. Kumar, learned Counsel for the Petitioners in Writ Petition No. 404/2024.

13. The first thing to be considered is whether the challenge as raised herein is already decided by the hon'ble Apex Court in ***Laljibhai Kadvabhai Savaliya*** (supra). Though it is contended by Mr. Kumar learned Counsel for the petitioner that the question of validity to the provisions of the PMP Act, though raised therein, was given up and therefore not decided in ***Laljibhai Kadvabhai Savaliya*** (supra) on account of which it would be permissible for this Court to consider the challenge to the validity of the provisions of the PMP Act, as laid in these petitions, we however find that it is not so. In this regard, this is what has been recorded in ***Laljibhai Kadvabhai Savaliya*** (supra):

“13. These appeals at the instance of the owners/occupiers challenge the correctness of the decision of the High Court. RGTIL however accepted the judgment and did not prefer any challenge. It may be mentioned that the very same owners/occupiers had also filed Writ Petition No. 569 of 2009 in this Court challenging the vires of some of the provisions of the PMP Act. However at the request of the petitioners, said Writ Petition No. 569 of 2009 was allowed to be withdrawn on 7-1-2010 [Laljibhai Kadavabhai Savaliya v. Reliance Gas Transportation Infrastructure Ltd., WP (C) No. 569 of 2009, order dated 7-1-2010 (SC), wherein it was directed: “WP (C) No. 569 of 2009 The writ petition is dismissed as withdrawn. SLPs (C) Nos. 21751-80 of 2009, 21813-30 of 2009 and 22013 of 2009 Delay condoned. Issue notice. SLP (C) No. ... CC No. 21606 of 2009 to come up with the connected matters.”] . While the aforesaid matters were pending, in another batch of matters the question of bias of the competent authority was put in issue. Those matters were allowed by this Court by its decision in Trilok Sudhirbhai Pandya v. Union of India [Trilok Sudhirbhai Pandya v. Union of India, (2011) 10 SCC 203 : (2012) 1 SCC (Civ) 120] . This Court directed the Union of India to appoint another person as competent authority for determination of compensation but made it clear that the judgment therein would not affect any orders with regard to acquisition of right of user.

14. On or about 5-11-2011, an application was filed on behalf of the appellants herein praying that appropriate directions be issued to the competent authority to decide the compensation payable to the owners/occupiers under Section 9 as well as under Section 10 at the time of taking actual

possession. Thereafter, another application, namely, IA No. 5 of 2013 was filed seeking permission to raise additional grounds. By raising these grounds, the appellants submitted that the PMP Act and the Rules framed thereunder were violative of the constitutional framework. This Court by its order dated 10-2-2014 issued notices to the State of Gujarat as well as to the learned Solicitor General of India in the aforesaid IA No. 5 of 2013 and by subsequent order dated 2-2-2016 the said application was allowed. The Union of India and other respondents were permitted to file their affidavits in reply and it was clarified that it would be permissible for any other interested person(s) to join these proceedings. Further, by order dated 18-3-2016, this Court stayed further proceedings before the competent authority.

15. Before we deal with the challenge raised in these appeals, it must be noted that none of the landowners had challenged the validity of Section 3(1) Notification issued in the instant case nor any grievance was raised against the order passed by the competent authority under Section 5(2) of the PMP Act. Though a substantive writ petition challenging the vires of some of the provisions of the PMP Act was filed, that petition was also withdrawn, without seeking any liberty. Even then, we have heard the submissions regarding validity of the PMP Act. We have heard Mr Amar Dave, learned Advocate in support of the appeals, Mr Ranjit Kumar, learned Solicitor General of India, Dr A.M. Singhvi and Mr Paras Kuhad, learned Senior Advocates for RGTIL, Mr Harin P. Raval, learned Senior Advocate for the competent authority, Mr Preetesh Kapoor, learned Advocate for the State of Gujarat and Mr K.K. Venugopal, learned Senior Advocate for the intervener, namely, Gujarat State Petronet Ltd.”

It would thus be apparent that though Writ Petition No.569 of 2009 before the Hon'ble Apex Court, challenging the vires of some of the provisions of the PMP Act, was permitted to be withdrawn on 07.01.2010, however IA No. 5 of 2013 was filed seeking permission to raise additional grounds, whereby a plea was raised that the PMP Act and the Rules framed thereunder were violative of the Constitutional framework, which IA was allowed by the order dated 02.02.2016, consequent to which the judgment itself records that though a substantive writ petition challenging the vires of some of the provisions of the PMP Act was filed, that petition was also withdrawn, without seeking any liberty, even then, the Hon'ble Apex Court had heard the submissions regarding validity of the PMP Act. In view of what has been stated in *Laljibhai Kadvabhai Savaliya* (supra), it would be impermissible for us to hold that the challenge to the Constitutional validity of the provisions of the PMP Act was not considered and decided by the Hon'ble Apex Court. This is more so, as *Laljibhai Kadvabhai Savaliya* (supra), in paras 16.1. to 16.7, encapsulates the grounds of challenge as laid as follows:

“16.1. Though under the PMP Act right of user simpliciter in respect of notified lands is acquired, for all practical purposes the owners/occupiers stand deprived of their proprietary interest and enjoyment of the lands in toto. According to Section 9 the user of the land stands frozen for all times to come and the owners/occupiers would not be allowed to use or utilise the land for any construction. The acquisition of right of user thus amounts to complete deprivation.

16.2. The PMP Act is a legislation to bypass the due process of law contemplated under the Land Acquisition Act, 1894. The entire exercise contemplated under the PMP Act is nothing but acquisition of the entire interest of the owners/occupiers in respect of such land. Reliance was placed on the decision of this Court in H.D. Vora v. State of Maharashtra [H.D. Vora v. State of Maharashtra, (1984) 2 SCC 337] .

16.3. The PMP Act was enacted in 1962 when the activities like production of crude oil, natural gas and petroleum products as well as transportation and distribution of petroleum and petroleum products were exclusively in public sector. The then industrial policy was relied upon in support of this submission. Additionally, reliance was also placed on the Statement of Objects and Reasons to submit that certain expressions like “corporation” appearing in Section 2(b) ought to be construed to confine to corporations in public sector and the PMP Act ought not to be invoked in favour of a company in private sector.

16.4. Certain provisions of the PMP Act were highlighted to show that there was complete absence of requisite framework leading to unfair treatment to the landowners.

16.5. The competent authority is to discharge important

functions like hearing of objections, making a report to the Central Government and deciding the quantum of compensation in the first instance. However unlike other pari materia enactments no qualifications are prescribed for appointment of a person as competent authority.

16.6. Upon publication of the declarations under Section 6(1), the right of user in the lands stands vested free from all encumbrances. The statutory scheme shows that after such vesting, the compensation for the loss or injury suffered under Sections 4, 7 and 8 and compensation under Section 10 is to be determined. Neither the Act nor the Rules contemplate any period within which compensation for such damage, loss or injury and compensation for acquisition of right of user is to be deposited or paid.

16.7. There are no guidelines in the PMP Act that the pipelines should be laid in such a way so as to cause least amount of damage or loss to the occupiers.”

The Hon’ble Apex Court thereafter has considered the challenge based upon the above pleas and except to the challenge to the appointment of the ‘Competent Authority’, on account of absence of any stipulation in the PMP Act or the Rules made thereunder as to the qualifications or the process of appointment of the Competent Authority, which has been accepted, has negated all other challenges and has held as under :

“33. We thus do not find the provisions regarding computation of compensation with regard to both elements under Section 10 of the PMP Act to be invalid on any count. We further find that the definition “corporation” is wide enough to take within its sweep entities in private sector as well. We also do not find the provisions of the PMP Act to be lacking on any count, except to the extent indicated above as regards appointment of competent authority. Civil appeals are thus disposed of without any order as to costs.”

It would therefore be incorrect to say that the Hon’ble Apex Court in ***Laljibhai Kadvabhai Savaliya*** (supra) did not determine the Constitutional validity of the PMP Act, as that is exactly what it did.

The nature of challenges to the Constitutional validity of the PMP Act, in the instant matter, as raised by Mr. Kumar, learned Counsel for the petitioners has already been recorded above.

In ***Laljibhai Kadvabhai Savaliya*** (supra) regarding the nature of the rights acquired, this is what has been held:

“18. Under the provisions of the PMP Act, what is taken over or acquired is the right of user to lay and maintain pipelines in the

subsoil of the land in question. The provisions of the PMP Act get attracted upon the requisite notification having been made under Section 3. If it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum or any minerals any pipeline be made and for the purposes of laying such pipelines it is necessary to acquire the right of user in any land, it may by notification issued in exercise of power under Section 3 declare its intention to acquire such right of user. The Act then provides for making of objections by those interested in land, which objections are thereafter to be dealt with by the competent authority. The report made by the competent authority is then placed before the Central Government for appropriate decision and after considering such report and the relevant material on record, if the Central Government is satisfied that such land is required for laying any pipeline for the transport of petroleum or any other mineral, it may declare by notification in the Official Gazette that the right of user in the land for laying the pipeline be acquired. Upon the publication of such declaration under Section 6 the right of user in the land so specified vests absolutely in the Central Government or in the State Government or in the corporation free from all encumbrances. Thus what stands acquired is the right of user in the land in question for laying pipeline for the transport of petroleum or any mineral and not the land itself.

19. The Statement of Objects and Reasons throws light on this facet of the matter and shows that although the land could be acquired outright for laying such pipelines under the Land Acquisition Act, 1894, such procedure for acquisition would be costly. For instance, as the facts of the present case disclose the pipeline from Kakinada to Jamnagar would be over 1470 km in length. If the lands were to be acquired outright, it would lead

to tremendous increase in costs finally reflecting in escalation of the costs of petroleum or minerals. At the same time, if at every stage outright acquisition is to be insisted upon, many agriculturists would stand deprived of their holdings causing great prejudice. The Act is thus designed to achieve the purpose of laying of the pipelines for petroleum and minerals as “efficient and cheap means of transportation and distribution of petroleum and petroleum products”.

20. At the same time Section 18 specifically lays down that the provisions of the PMP Act shall be in addition and not in derogation to any other law for the time being in force relating to acquisition of land. Thus in a given case where the circumstances and the occasions so demand, a resort could still be taken to acquire the lands by relying upon the general law of acquisition under the provisions of the Land Acquisition Act, 1894. For instance, for monitoring the pressure gauges or in cases where pipelines are branching in different directions, implementations to regulate the flow may require permanent establishments necessitating acquisition of the land itself rather than acquisition of a mere right of user. The PMP Act is thus a special enactment designed to achieve the purpose of laying pipelines as efficient means of transportation and with this idea it is only the right of user in the land to lay such pipelines is acquired.

21. Section 7 stipulates that no pipeline be laid under any land which, immediately before the date of notification under Section 3(1) was used for residential purposes, or any land on which there is permanent structure in existence or any land which is appurtenant to a dwelling house. It is clear that only such lands are to be considered for acquisition of right of user therein which are either lying fallow or are being put to agricultural

use. It is obvious that care is taken to cause least possible damage to the holdings of the landowners concerned. According to Section 9, after the pipelines are laid, the owner/occupier could use the land for the purpose for which it was being used before the notification under Section 3(1) was issued. Section 9 certainly imposes some restrictions in the sense that such owner/occupier cannot thereafter construct any building or any other structure or construct or excavate any lake, reservoir or dam or plant any tree on such land. Barring such restrictions, the owner/occupier is within his rights to use the land for the same purpose for which the land was earlier being used. The point is clear that neither the ownership in respect of the land itself nor the right to occupy or possess that land is taken over permanently and those rights continue to remain with the owner/occupier. What is taken over is only the right of user, namely, to lay pipelines in the subsoil of the land in question and the restrictions imposed by Section 9 are designed to safeguard and secure the pipelines underneath.

In ***Laljibhai Kadvabhai Savaliya*** (supra) regarding the nature of the inadequacy of compensation under the PMP Act, this is what has been held :

“23. We therefore proceed on the premise that the right of user sought to be taken over under the provisions of the PMP Act amounts to acquisition of one of the facets of property rights which inhere in the owner/occupier. For the acquisition of such right of user, the compensation is prescribed in terms of Section 10 of the PMP Act. There are two elements of compensation under Section 10. The first part deals with any damage, loss or

injury sustained by any owner/occupier as a result of exercise of powers conferred by Sections 4, 7 and 8 of the PMP Act that is to say the actual damage, loss or injury sustained because of entry upon and/or digging or marking levels and survey of land under Section 4 or while actual laying of the pipeline including digging of trenches and carrying of requisite material for such operations under Section 7 or at any stage of maintenance, examinations, repairing and altering or removing of pipeline in terms of Section 8 of the PMP Act. The measure for determining such compensation is given with sufficient clarity in sub-section (3) of Section 10. The idea is to compensate the owner/occupier for actual damage, loss or injury sustained by him as a result of the operations carried out in terms of Section 4, Section 7 or Section 8 of the Act. One of the indicia under sub-section (3) could be “any injury to any other property whether movable or immovable, or the earnings of such persons in any other manner”. All possible acts as a result of which the damage, loss or injury could be so occasioned are taken care of and stipulated in the said sub-section. Over and above such compensation for actual damage, loss or injury, additional compensation @ 10% of the market value of the land is given to the owner/occupier under sub-section (4) of Section 10 for taking over the right of user to lay the pipelines. This element of additional compensation is independent of any actual loss or damage and is purely linked to the value of the land for the purposes of computation. This element of compensation is purely for acquisition of right of user simpliciter. The damage/loss or injury to the property is separately dealt with under first part of Section 10 and has to be compensated in toto. Theoretically, it is possible that in a barren piece of land as a result of exercise of powers under Sections 4, 6 and 7 there may not be any damage/loss or injury. However compensation under sub-section

(4) for acquisition of right of user would still be independently payable. The expression “in addition to the compensation, if any, payable under sub-section (1)” clearly shows the intent that the compensation for acquisition of right of user shall be in addition to the actual damage/loss or injury under first part of Section 10. This part will also be clear from Para 3(iii) of the Statement of Objects and Reasons extracted above (in para 2).

24. The provisions of the PMP Act do specify the principles and the manner in which the compensation is to be determined. Not only the actual damage, loss or injury suffered as a result of exercise of various activities in terms of Sections 4, 6 and 7 are compensated in toto but additionally compensation linked to the market value of land is also to be given for acquisition of right of user in respect of such land. What is taken over is mere right of user to lay the pipeline in the subsoil of land in question, leaving the title to the land as well as the right to possess that land intact in the hands of the landowner/occupier. It is no doubt that the enjoyment thereof after the pipelines are laid is impaired to a certain extent, in that the owner/occupier cannot raise any permanent construction or cause any excavation or plant any trees. Barring such restrictions, the enjoyment and the right of possession remains unaltered. The lands under which the pipeline would be laid are primarily, going by the mandate of Section 7, agricultural or fallow and there would normally be no occasion for any rendering of the holding completely unfit for any operations. Even in such cases where the holding is rendered unfit, sub-section (3)(iii) of Section 10 could be relied upon and any diminution in market value as permanent impairment could sustain a claim for compensation. The principles of compensation as detailed in the PMP Act are thus reasonable and cannot in any way be termed as illusory. The

principle laid down in H.D. Vora v. State of Maharashtra [H.D. Vora v. State of Maharashtra, (1984) 2 SCC 337] has no application at all.”

It would thus be apparent that the pleas regarding the nature of the right acquired, land being rendered unusable, adequacy of compensation under Section 10 of the PMP Act, all have been considered by the Hon’ble Apex Court in ***Laljibhai Kadvabhai Savaliya*** (supra) and cannot be permitted to be re-agitated again.

14. That takes us to the plea that the provisions of Section 6(2) of the PMP Act and Section 3-D-(2) of the NH Act are *pari materia* and therefore the provisions of the NH Act, could be said to be applicable to the acquisition under the PMP Act. We are afraid we are unable to subscribe to this view. For this one merely has to look at the two provisions in contradistinction to each other, which can be demonstrated as under :

<i>PMP Act</i>	<i>N H Act.</i>
6. Declaration of <u>acquisition of right of user</u> .—	3A. Power to <u>acquire land</u> , etc.—

(1) Where no objections under sub-section (1) of section 5 have been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, that authority shall, as soon as may be either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government] and upon receipt of such report the Central Government shall, if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral, <u>declare, by notification in the Official Gazette, that the right of user in the land for laying the pipelines should be acquired</u> and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section. (2) On the publication of the declaration under sub-section (1), the <u>right of user in the land specified therein</u> shall vest <u>absolutely in the Central Government</u> free from all encumbrances	(1) Where the Central Government is satisfied that for a public purpose <u>any land is required</u> for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare <u>its intention to acquire such land</u> (2) ----- (3) ----- 3D. Declaration of acquisition.— (1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, <u>that the land should be acquired</u> for the purpose or purposes mentioned in sub-section (1) of section 3A. (2) <u>On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government</u> free from all encumbrances.
---	---

A bare comparison of the above provisions would demonstrate that what is provided to be acquired and vest, in the Central Government on such acquisition under the NH Act, is 'land', as defined in Section 3(b) of the NH Act, whereas what is acquired and vests, under Section 6 (2) of the PMP Act, is not 'land' but only the limited 'right to user', which is for the purpose of laying the pipeline underneath it. Thus, there is a marked difference between the two provisions referred to above, as Section 3-D-2 of the NH Act, contemplates the acquisition of 'Land', as against which Section 6(2) of the PMP Act contemplates merely a 'user of the land', on account of which the contention that they being *pari materia*, cannot be accepted.

15. That takes us to the plea that under the PMP Act 1962 since an area, of nearly 20 meters on either side of the pipeline which is at a depth of 2 to 4 meters at places, stands unusable and unavailable, to the landowner, which in fact, would be a species of vesting of the land as contemplated by the RFCTLARR Act, on account of which, the provisions thereunder

for the purpose of grant of compensation would become applicable. In this context, the same reasoning which has been enumerated above in respect of the acquisition under the NH Act, would be applicable as the RFCTLARR Act also contemplates the acquisition of 'land', and not any limited 'right of user', in land, as is the position under the PMP Act. That apart the plea of the land above the pipeline being rendered unsuable, has been considered and rejected in *Laljibhai Kadvabhai Savaliya* (supra), on account of which the plea in this regard also therefore cannot be accepted.

16. That takes us further to the consideration of the plea regarding the Notification dated 28.08.2015 (page 91) issued by the Union of India in exercise of the powers under Section 113 of the RFCTLARR Act. In our considered opinion, the position in this regard, already stands considered by the learned Division Bench of this Court in *Gangadhar Karbhari Jadhav V Union of India and others, AIR Online 2023 BOM 404*, in which after considering *Mahanadi Coal Fields Ltd. and another v. Mathias Oram and others, 2022 SCC Online SC 1508*, this is what has been held:

“72. In our view, the impugned order and notification under Section 113 of the Fair Compensation Act are issued not to give effect to any difficulty arising in giving effect to the provisions of the Act but is issued to cover up the lapses made by the Government by not issuing notification under Section 105(3) within the time prescribed under Section 105(3) which is not permissible. For such lapses or for curing the difficulty in following mandatory procedure cannot be cured by invoking power under Section 113(1) of the Fair Compensation Act r/w 105 having been not issued in the mode and manner prescribed thereunder. By taking shelter of Section 113 of the Act, Central Government could not have given the effect of Notification of Section 105(3) by issuing removal of difficulties order.

73. A perusal of Section 105(1) of the Fair Compensation Act clearly indicates that the said Section is subject to sub-section (3). If the conditions prescribed under sub-section (3) of Section 105 are not complied with, Section 105 (1) shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule. In our view, the order passed by the Central Government by invoking powers under Section 113 is inconsistent with the provisions of Section 105(1) r/ w. Section 105(3). On this ground also, the impugned order deserves to be quashed and set aside.”

16.1. Section 105 and Section 113 of the RFCTLARR Act reads as under :-

“105. Provisions of this Act not to apply in certain cases or to apply with certain modifications. -

(1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) *Subject to sub-section (2) of section 106 of the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.*

(3) *The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.*

(4) *A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.*

113. Power to remove difficulties.-(1) *If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:*

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”

THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT

- 1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).*
- 2. The Atomic Energy Act, 1962 (33 of 1962).*
- 3. The Damodar Valley Corporation Act, 1948 (14 of 1948).*
- 4. The Indian Tramways Act, 1886 (11 of 1886)*
- 5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).*
- 6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).*
- 7. The National Highways Act, 1956 (48 of 1956).*
- 8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).*
- 9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).*
- 10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).*
- 11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).*
- 12. The Electricity Act, 2003 (36 of 2003).*
- 13. The Railways Act, 1989 (24 of 1989).”*

16.2. By virtue of the Section 105(1) of the RFCTLARR Act, the provisions of the RFCTLARR Act, have been made

inapplicable to the enactments as specified in the 4th Schedule. The PMP Act is included in the 4th Schedule of the RFCTLARR Act, which would make the provisions of the RFCTLARR Act inapplicable to acquisition of the right of user under the PMP Act. However, for the RFCTLARR Act to be made applicable for acquisition of the right to user under the PMP Act, what is necessary is for the Central Government to, within one year from the date of commencement of the RFCTLARR Act by notification, direct that any of the provisions of the RFCTLARR Act being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule. The manner in which such notification has to be issued is laid down in Section 105(4) of the RFCTLARR Act. That such a notification under the provisions of Section 105(3) of the RFCTLARR Act, has not been issued, within the period of One year as per the mandate of Section 105(3) of the RFCTLARR Act is undisputed.

16.3. The provisions of Section 113 of the RFCTLARR Act is a power to remove difficulty in giving effect to the provisions of Part XIII of the RFCTLARR Act. The phrase ‘in giving effect to

the provisions of this Part', are material and would indicate that the provisions of Section 113(1) of the RFCTLARR Act can be only utilised by the Central Government in a manner, which would sub-serve the implementation of the Statutory Provisions as contained in Part XIII of the RFCTLARR Act. When Section 105(3) of the RFCTLARR Act mandates that any notification for applying the provisions of the RFCTLARR Act, to the enactments as specified in the 4th Schedule, has to be issued within one year of the enactment of the RFCTLARR Act, then once that period is over, any action under Section 113(1) of the RFCTLARR Act, in relation to the subject matter covered by Section 105(3) of the RFCTLARR Act cannot be said to be an act amounting to giving effect to the provisions of Part XIII of the RFCTLARR Act, as the mandate to do stands lost due to lapse of time. Thus, what is now not permissible to be done by use of Section 105(3) of the RFCTLARR Act, on account of the time for doing so as provided therein, having expired, the same cannot be permitted to be done, by use of Section 113(1) of the RFCTLARR Act as the same would be beyond the scope and ambit of the mandate of Section 113(1) of the RFCTLARR Act. The power under Section 113(1) of the RFCTLARR Act is for removing the difficulty

which may arise in giving effect to the provisions of Part XIII of the RFCTLARR Act and not to revive a power which has been lost on account of passage of time.

16.4. It would be therefore apparent, that the Notification dated 28.08.2015, which is in exercise of the powers under Section 113(1) of the RFCTLARR Act, cannot be said to be a substitute under the notification of Section 105(3) of the RFCTLARR Act, which alone can have the effect of applying of the provisions of the RFCTLARR Act to the enactments in Fourth Schedule of the RFCTLARR Act, which on account of lapse of the time period as contemplated therein, has now become unavailable to the Central Government.

17. Though Mr. Kumar, learned Counsel for the petitioner has relied upon the judgments as quoted in para 4.9 above, however, in our considered opinion, having gone through them, we do not think that they are of any assistance to the contentions advanced by him, in view of what we have discussed above, as the matter will have to be decided on the basis of the Statutory provisions of the PMP Act, the RFCTLARR

Act and the NH Act, which we have already discussed above.

18. Though equality has been claimed by the petitioners vis-a-vis the provisions of the NH Act and RFCTLARR Act and a plea of arbitrariness and unreasonableness has been raised, however while testing such a plea the learned Constitutional Bench, has laid down the following propositions in ***State of Bombay Vs. F N. Balsara (1951) SCC 860*** :

“(1) The presumption is always in favour of the constitutionality of an enactment, since it must be assumed that the legislature understands and correctly appreciates the needs of its own people, that its laws are directed to problems made manifest by experience and its discriminations are based on adequate grounds.

(2) The presumption may be rebutted in certain cases by showing that on the face of the statute, there is no classification at all and no difference peculiar to any individual or class and not applicable to any other individual or class, and yet the law hits only a particular individual or class.

(3) The principle of equality does not mean that every law must have universal application for all persons who are not by nature, attainment or circumstances in the same position, and the varying needs of different classes of persons often require separate treatment.

(4) The principle does not take away from the State the power of classifying persons for legitimate purposes.

(5) Every classification is in some degree likely to produce some

inequality, and mere production of inequality is not enough.

(6) If a law deals equally with members of a well-defined class, it is not obnoxious and it is not open to the charge of denial of equal protection on the ground that it has no application to other persons.

(7) While reasonable classification is permissible, such classification must be based upon some real and substantial distinction bearing a reasonable and just relation to the object sought to be attained, and the classification cannot be made arbitrarily and without any substantial basis.”

19. What we find is that the PMP Act, considers a totally different situation altogether, where rights in ‘land’ are not acquired but merely a ‘right to user’ of the land is permitted for laying a pipeline underneath, at a depth of 2-4 meters which is a class in itself, requiring separate treatment, for which compensation is to be awarded, which is compensation based upon a reasonable classification, on account the limited right of user which is being acquired, which as indicated above by the Hon’ble Apex Court in ***Laljibhai Kadvabhai Savaliya*** (supra) and therefore would negate the plea of arbitrariness or unreasonableness.

20. In the result, we do not find any merit in these petitions. They are therefore dismissed. Rule stands discharged.

Considering the circumstances, there shall be no order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

S.D.Bhimte