



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

WRIT PETITION NO. 2504 OF 2024
Dipak S/o Vasantaoji Choudhari Vs. Union of India & others
WITH
WRIT PETITION NO. 404/2024, 761/2024 & 1419/2024

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vishal Belekar Advocate for Petitioner in WP No.2504/2024
& Mrs. S.V. Taksande, Adv. For Petitioners in other petitions
Mr. N.S. Deshpande, DSGI for Respondent Union of India
Mr. Atul Pande, Advocate for Respondent Nos. 3 and 4
Mr. J.Y. Ghurde, AGP for Respondent / State
Mr. P.R. Puri, Advocate for Intervenor

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

DATED : **29th JANUARY, 2025**

1. The petition questions the validity of Section 10(4) of the Petroleum and Minerals Pipelines Act, 1962 as been arbitrary, oppressive, unjust, unfair and being violative of Articles 14, 21, and 300-A of the Constitution. Mr. Pande, learned counsel for the respondent Nos. 2, 3 and 4 has invited our attention to the decision of Hon'ble Apex Court in **Civil Appeal No. 10019/2016 (Laljibhai Kadvabhai Savaliya & others Vs. State of Gujarat** (page 126) in which a similar challenge raised before the Hon'ble Apex Court has been turned down by holding that it finds that the provisions

regarding computation of compensation, is not invalid on any count. This effectively renders the challenge insofar as validity of Section 10(4) of the aforesaid Act as raised here redundant.

2. The learned counsel further invited our attention to Section 105(3) R/w Fourth Schedule of Right to Fair Compensation and Transparency in Rehabilitation and Resettlement Act and the Gazette Notification dated 20.8.2015, which promulgates the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order 2015, issued in exercise of powers under Section 113(1) of the RFCTLARR Act (page 93), which by Section 2 thereof mandates that the provisions of RFCTLARR Act relating to determination of compensation in accordance with Second and Third Schedule shall apply to all cases of land acquisition under the enactment specified in the fourth Schedule to the said Act. It is, therefore, contended, that on account of the aforesaid Order of 2015, any compensation which is required to be determined under the Petroleum and Mineral Pipelines Act, 1962 will have to be in terms of the RFCTLARR Act 2013.

3. Mr. Deshpande, learned DSGI for the respondents, however, raise an objection, that the

removal of difficulties Order 2015, having been promulgated under Section 113(1) of the RFCTLARR Act, cannot be said to be a substitute for the requirement of Section 105(3) of the said Act and therefore, would not have the effect as has been sought to be applied.

4. Since a request for adjournment is made to address this issue, list the matter on 06.02.2025.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande