

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 243 of 2015**

Sanjeev Sahota aged about 46 years S/o Surjit Singh Sahota, R/o Plot No. 52, Vivekanand Nagar, Mopka, Bilaspur, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. South Eastern Coalfields Limited, Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager, South Eastern Coalfields Limited, Sohagpur Area, SECL, District Shahdol Madhya Pradesh.
3. State of Madhya Pradesh, through District Collector, Shahdol, District Shahdol, Madhya Pradesh.

Writ Appeal No. 244 of 2015

Surjit Singh Sahota aged about 81 years s/o Late Radha Krishen Sahota, Plot No. 14, Rajkishore Nagar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. South Eastern Coalfields Limited, Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager, South Eastern Coalfields Limited, Sohagpur Area, SECL, District Shahdol Madhya Pradesh.
3. State of Madhya Pradesh, through District Collector, Shahdol, District Shahdol, Madhya Pradesh.

---- Respondents

For Appellant : Shri Chandresh Shrivastava, Advocate.

For Respondents/SECL : Shri H.B.Agrawal, Senior Advocate with Shri Pankaj Agrawal, and Shri Vinod Deshmukh Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Pritinker Diwaker, J.

Judgment on Board

Per Navin Sinha, Chief Justice

17/07/2015

1. These two appeals arise from a common order dated 25.2.2015 dismissing Writ Petition No. 4945 of 2004 and Writ Petition No. 129 of 2005. The facts being common and the questions arising for consideration identical, they have been heard together and are being disposed by a common order.
2. The Learned Single Judge in both the writ petitions held that the claims were barred by delay and laches having been preferred nearly 8 years later.
3. Learned Counsel for the Appellant in Writ Appeal No. 244 of 2015 submits that he was a land oustee himself. Under the policy dated 25.2.1991, he nominated his daughter for employment in lieu of acquisition. It was never considered by the Respondents even while others were so considered and provided employment. In Writ Appeal No. 243 of 2015, it is submitted that the land oustee nominated his cousin to be considered for employment since the land oustee himself was gainfully employed. The Learned Single Judge ought not to have dismissed the writ applications only on the ground of delay and laches but should have given directions for consideration of the candidature of the persons nominated for employment under the policy as the lands were acquired in 1993.
4. Learned Counsel for the Respondents has opposed the appeal.
5. We have considered the submissions on behalf of the parties.
6. The primary right of a person whose lands are acquired is to receive compensation. If there is a policy for rehabilitation, any consideration thereunder has to be strictly in terms of the same. The Appellant in Writ

Appeal No. 243 of 2015 acknowledges that he had nominated his cousin for employment who does not fall within the eligible category in clause (2) of the policy dated 25.9.1991. We therefore find no reason to interfere with the reasoning of the Learned Single Judge, though for different additional reasons.

7. In so far as Appellant in Writ Appeal No 244 of 2015 is concerned, there is no explanation with regard to the extent of lands acquired and fulfillment of other conditions under the policy. The policy was conditional and not absolute. The application for employment by rehabilitation was made in 1997 but was never pursued. We find no reason to differ with the reasoning of the Learned Single Judge on the ground of delay and laches. It stands well established that the discretionary jurisdiction under Article 226 can well be denied in a case where the claim is barred by gross delay and laches. Obviously vacancies may not have been kept available till now and must have been filled by other eligible conditions.

8. The appeals are dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE