

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

CIVIL APPLICATION W. NO.2175/2015

IN

WRIT PETITION NO.4759/2015

Shri Prashant s/o Keshavrao Pajai and another

...Versus...

The State of Maharashtra, through Secretary, Department of Revenue and Forest
Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri G.G. Bade, Advocate for petitioners

Shri C.S. Samudra, Advocate for respondent nos.5 to 7

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 20.10.2015

By this civil application, the applicants have sought a direction restraining the respondents from inaugurating Dinesh Open Caste Mine of the Western Coalfields Limited on 25.10.2015 or immediately thereafter.

The learned Counsel for the respondents – WCL rightly points out that the prayer made in the civil application is misconceived inasmuch as, the petitioners have not challenged the acquisition by filing the writ petition and have only sought a direction to the respondents – WCL to pay compensation to the petitioners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013. It is stated that if the petitioners succeed in the writ petition, the petitioners would be entitled to higher compensation but the petitioners cannot seek an order restraining the WCL from inaugurating Dinesh Open Caste Mine.

We find much force in the objection raised on behalf of the respondents – WCL to the grant of the prayer made in the civil application.

The prayer made in the civil application stands rejected. The civil application stands disposed of accordingly.

JUDGE

JUDGE

Wadkar