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HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 4147 of 2003**

1. Rastriya Koyla Khadan Mazdoor Sangh affiliated to IAC, A trade union registered Under the Trade Unions Act, 1926 through its President/General Secretary, Byasnarayan Shukla, Aged about 44 years, S/o Shri Ram Sewak Shukla, Gevera Area South Eastern Coalfields Limited, Korba (Chhattisgarh)
2. Central Industrial Trade Union (CITU, through its President Sitaram Khare, Aged about 42 years, S/o Shri Bhagwat Gevera Area, South Eastern Coal Ltd. Korba (Chhattisgarh)
3. Madhya Pradesh Koyla Mazdoor Sangh Affiliated to Hind Mazdoor Sabha (HMS) through its President Resham Lal Yadav, Aged about 44 years, S/o Late Shri Chandra Yadav Gevera Area, South Eastern Coalfields Ltd. Korba (Chhattisgarh)
4. Samyukta Khadan Mazdoor Sangh affilitated to All India Trade Union Congress (AITUC) through its President Dipak Kapoor Aged about 53 years, S/o Late Shri Kishan Kapoor, Gevera Area, South Eastern Coalfields Ltd. Korba (Chhattisgarh)
5. Bhartiya Koyla Khadan Mazdoor Sangh, Affiliated to Bhartiya Mazdoor Sangh through its Mantri Akhay Mukharjee, Aged about 36 years, S/o Late Shri Amol K. Mukharjee, Gevera Area, South Eastern Coalfields Ltd. Korba (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh, through Secretary Department of Commerce and Industries, DKS Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Principal Secretary, Department of Revenue, State of Chhattisgarh DKS Bhawan, Mantralaya, Raipur (Chhattisgarh)
3. Chhattisgarh State Industrial Development Corporation (CSIDC) through Managing Directors DKS Bhawan, Raipur (Chhattisgarh)
4. Chhattisgarh State Pollution Conservation Board, through its Secretary/Chairman, Civil Lines, Raipur (C.G.).
5. Collector, Korba (Chhattisgarh)
6. Union of India, through Secretary, Department of Coal, Shahstri Bhawan, New Delhi.
7. Secretary, Ministry of Forests and Environment Lodhi Estate, New Delhi.
8. M/s Maruti Clean Coal & Power Limited through its Chairman & Managing Director, Agrawal Bhawan, Vidya Nagar, Bilaspur (Chhattisgarh)

9. South Eastern Coalfields Limited, through its Chairman Cum Managing Director, Seepat Road, Bilaspur (Chhattisgarh)
10. Principal Secretary, Department of Forest, State of Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

---- Respondents

WP No. 1264 of 2003

Alok Nigam, aged about 37 years, S/o Sri S.G.Nigam, By Profession – Advocate, R/o Near Sumangal Apartment, Link Road, Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Coal, Government of India, Shastri Bhawan, New Delhi.
2. The Secretary, Ministry of Environment and Forests, Government of India, A-Block, Vikas Bhawan, I.P.Estate, Delhi 110 002.
3. Government of Chhattisgarh, through : Chief Secretary, Raipur, Chhattisgarh.
4. South Eastern Coalfields Limited through its Chairman-cum-Managing Director, Seepat Road, Bilaspur (Chhattisgarh)
5. M/s. Maruti Clean Coal & Power Limited through its Chairman and Managing Director, Aggarwal Bhawan, Vidya Nagar, Bilaspur (Chhattisgarh)

---- Respondents

WP No. 1382 of 2003

1. Sanjay Srivastava, S/o Lt. Shri S.P.Srivastava, aged about 38, R/o B-37 Balgi Colliery, Distt. Korba (CG)
2. Shri Surendra Sahu, S/o R/o Dipika Niwasi Tahsil Katghora, District Korba

---- Petitioners

Versus

1. State of Chhattisgarh through Secretary, Department of Revenue, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. Union of India, through the Secretary, Ministry of Environment & Forest, New Delhi.
3. The Secretary, Ministry of Industries, Dau Kalyan Singh Bhawan, Raipur (C.G.)
4. District Collector, District Korba (Chhattisgarh)
5. Divisional Forest Officer, Forest Division Katghora, District Korba (Chhattisgarh)
6. Assistant Director, Town & Country Planning, Korba (Chhattisgarh).

7. Regional Officer, Chhattisgarh Paryavaran Samrakshan Mandal, Korba.
8. Pollution Control Board, Chhattisgarh Raipur thru' its Secretary.
9. Sub Divisional Officer (Rev.), Katghora, Dist. Korba (Chhattisgarh).
10. Nayab Tahsildar, Hardibazar, Dist. Korba (Chhattisgarh)
11. Gram Panchayat Ratiza through Tehsildar, Tahsil Hardi Bazar, District Korba (Chhattisgarh)
12. South Eastern Coalfields Ltd. Through its Chairman & Managing Director, Seepat Road, Bilaspur (Chhattisgarh)
13. Maruti Explochem Private Ltd. Through its Managing Director having its registered Office at 'Siddharth' Geeta Nagar, Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	None appears in WP No.4147/2003, Alok Nigam, petitioner in person in WP 1264/2003 and Shri F.S.Khare in WP No.1382/2003
For Respondent State & its authorities	:	Shri Y.S.Thakur, A.A.G. in all writ petitions
For intervenors	:	Shri Abhishek Sinha with Shri Ghanshyam Patel, Shri Ashish Shrivastava with Shri Animesh Verma & Shri Amrito Das, Advocates.
For SECL	:	Shri Vaibhav Shukla, Adv.

**Hon'ble Shri Deepak Gupta, Chief Justice &
Hon'ble Shri Sanjay Agrawal, J.**

Order On Board

27/10/2016

Per Deepak Gupta, Chief Justice

These petitions have been filed purportedly as Public Interest Litigations. By means of these petitions, the petitioners have challenged the allotment orders and agreement whereby the State of Chhattisgarh has allotted land to respondent No.8 – M/s Maruti Clean Coal & Power Limited. The main ground of challenge is that the land belongs to South Eastern Coalfields and that it is forest land and cannot be awarded for the purpose in question. As far as the question of forest land is concerned, that has been decided by the Apex Court with regard to this very land in an interim application filed in ***T.N.Godavarman Thirumalpad vs. Union of India and others, AIR 2006 SC 1774***. This fact is not disputed before us.

2. As far as ownership of the land is concerned, it would be pertinent to mention that the South Eastern Coalfields Limited had filed a Civil Suit claiming ownership of the said land and they had challenged the allotment of the land to respondent No.8 herein. The Civil Suit was transferred from the trial Court to this Court vide order passed by the Apex Court in Transfer Petitioner (Civil) No. 813 of 2007. This suit admittedly has been dismissed. The S.E.C.L. has filed Special Leave Petition wherein leave was granted and now the matter is pending as Appeal (Civil) No. 21277/2010 before the Apex Court. In this case, parties have been directed to maintain status quo.

3. Therefore, the first question raised by the petitioners has been answered by the Apex Court and with regard to the title, the matter is pending before the Apex Court. In view of above, nothing survives in these petitions. These petitions are disposed of accordingly. However, if after the decision of the Apex Court, the petitioners feel that they are entitled to any relief, they shall be free to approach this Court.

Sd/-

(Deepak Gupta)
Chief Judge

Sd/-

(Sanjay Agrawal)
Judge