

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2060 of 2016**

1. Ramo Bai W/o Lalan Prasad, D/o Late Shri Puran Singh, Aged About 37 Years R/o Village Sindhichhap, Post Bajiya, P.S. & Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)
2. Lalan Prasad S/o Shri Girish, Aged About 39 Years R/o Village Sindhichhap, Post Bajiya, P.S. & Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Petitioners**Versus**

1. South Eastern Coalfields Limited Seepat, Through Its Chairman- Cum- Managing Director, S E C L, Seepat Road, Bilaspur, District Bilaspur (Chhattisgarh)
2. The Chief General Manager, S E C L, Raigarh Area, District Raigarh (Chhattisgarh)
3. The Deputy Chief Personnel Manager, S E C L, Raigarh Area, District Raigarh (Chhattisgarh)
4. The Sub Area Manager, Chhal Sub Area, S E C L, Raigarh Area, District Raigarh (Chhattisgarh)
5. The Officer Incharge (Land Revenue), S E C L, Chhal Sub Area Raigarh, District Raigarh (Chhattisgarh)
6. The State Of Chhattisgarh, Through The Principal Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
7. The Collector, Raigarh, District Raigarh (Chhattisgarh)

-----Respondents

For Petitioners:	Shri KK Pandey, Advocate.
For Respondent/State:	Shri RK Jaiswal, Panel Lawyer..
For Respondents/SECL:	Shri Vinod Deshmukh, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

02.12.2016

1. The Petitioners have filed this Petition while invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by questioning the propriety of the order dated 1.6.2007 passed by Respondent

No.4, i.e., the authority of South Eastern Coalfields Limited (hereinafter referred to as S.E.C.L. in short) whereby the claim of Petitioner No.1 has been refused mainly on the ground that her name was not recorded in the revenue papers when the notification under Section 4(1) of the Land Acquisition Act, 1894 (henceforth referred to as 'the Act') was issued.

2. Brief facts of the case are that Petitioner No.1 namely Ramo Bai, wife of Lalan Prasad has inherited the property in question, after the death of her father namely Puran Singh along with her brother and sisters. The entire property of Petitioner No.1 has been acquired by the State Government for the purposes of SECL vide its Award dated 2.6.2005. As per the policy of the State Government (Annexure P-3), Petitioner No.1 is entitled to get an employment in the Department of SECL. It has been further stated in the Petition that when the notification was issued under Section 4(1) of the Act, at that point of time, her name was not in the record of the revenue papers, as her name was inadvertently skipped over by the revenue authorities while recording her brother and sisters' name in the revenue papers. Therefore, she moved an application as per the provisions prescribed under Sections 109 and 110 of the Chhattisgarh Land Revenue Code, 1959 before the Naib Tahsildar, Dharamjaigarh for recording her name in the revenue papers after the death of her father Puran Singh.

3. After considering the said application, the Naib Tahsildar, Dharamjaigarh vide its order dated 20.4.2005 has directed for recording the name of Petitioner No.1 in the revenue papers and accordingly her name was recorded there in the revenue papers. It is further submitted that even prior to passing of the Award dated 2.6.2005, her name was recorded in the revenue papers as per the order of the Naib Tahsildar, Dharamjaigarh and therefore,

the refusal as made by Respondents No.1 to 5/authorities of S.E.C.L. is not sustainable. In view of these facts, she prayed for consideration of her claim for appointment in the SECL for her husband i.e. Petitioner No.2-Lalan Prasad as she is handicapped.

4. Respondents No.1 to 5/SECL have contested the claim on the ground that since the name of Petitioner No.1 was not recorded in the revenue papers when the notification under Section 4(1) of the Act was issued, therefore, her claim was rightly refused by way of the order impugned dated 1.6.2007.

5. Shri Jaiswal, learned Counsel for the State submits that the State is a formal party in this matter and therefore he has nothing to add in the matter.

6. I have heard learned Counsel for the respective parties and perused the entire record carefully.

7. From perusal of the record, it is clear that vide order dated 20.4.2005, the name of Petitioner No.1 was directed to be recorded in the revenue papers by Naib Tahsildar, Dharamjaigarh and accordingly her name was also recorded in the revenue papers as evidenced by revenue papers submitted in this regard which is annexed as Annexure P-3 in the Petition.

8. Subsequent to passing of the said order by the Naib Tahsildar, Dharamjaigarh, an Award was passed by Sub Divisional Officer/Land Acquisition Officer on 2.6.2005 marked as Annexure R-3 while acquiring the entire land of the petitioner No.1. It is, therefore, clear from the record that even prior to the passing of the Award, the name of Petitioner No.1 was already directed to be mutated in the revenue papers as per the provisions prescribed under Sections 109 and 110 of the Chhattisgarh Land Revenue Code, 1959.

9. Since the only refusal made by the Respondents/authorities is that as

the name of Petitioner No.1 was not recorded in the revenue papers at the time of issuance of notification under Section 4(1) of the Act and since she was not the land owner/raivet, however, as per the order of the Naib Tahsildar, Dharamjaigarh, the refusal as such cannot be held to be justified.

10. Accordingly, the Writ Petition is allowed and Respondents No.1 to 5/SECL are directed to consider the claim of Petitioner No.1 for appointment of her husband in the Department as she is handicapped. Respondents No.1 to 5/SECL are hereby directed further to consider the same within a period of two months from the date of production of copy of the order of this Court. No order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE

Priya