

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLN. (O) NO. 1247 OF 2016
AND
MISC. CIVIL APPLN. ST. NO. 12341 OF 2016
IN
WRIT PETITION NO. 1782 OF 2015 (D)
W.C.L.Through Chairman-cum-Managing Director, Nagpur and others
-vs-
Smt.Janubai w/o Ramchandra Fulzele and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Ramesh Darda, counsel for the applicants/respondent Nos.1 to 3.
Mr. P.D. Meghe, counsel for the non-applicant/petitioners.
Ms Tajwar Khan, AGP for the non-applicant/respondent No.4.

CORAM : SMT. VASANTI A NAIK &
PRASANNA B. VARALE , JJ.

DATE : 16.09.2016.

CIVIL APPLN. (O) NO. 1247 OF 2016

Heard.

Perused the contents of the application. Though the learned counsel for the non-applicants opposes the prayer made in the application, for the reasons stated in the application, we allow the application and condone the delay in filing the application. The civil application is allowed and disposed of.

MISC. CIVIL APPLN. ST. NO. 12341 OF 2016

Heard.

By this review application, the applicants seek a review of the order, dated 08/12/2015 only as far as it records the statement on behalf of the applicant-Western Coalfields Limited (the respondent Nos.1 to 3 in the writ petition) that it would execute similar agreement in favour of the petitioners also.

It is stated on behalf of the applicants (the respondent Nos.1 to 3 in the writ petition) that though most of the other landholders at Singori were held to be entitled to higher compensation as per the Government Resolution, dated 22/08/2012 in terms of a resolution of the Board of Directors of the Western Coalfields Limited, the petitioners' land was not included in the same. It is stated that the order, dated 08/12/2015 needs to be modified only as far as it records the concession on behalf of the applicant-Western Coalfields Limited that it would execute similar agreement in favour of the petitioner also. It is stated that an appropriate order may be passed in Writ Petition No.1782 of 2015 by considering the earlier judgments, as a departmental enquiry is initiated against the officer, that had instructed the counsel for the applicant-Western Coalfields Limited that it would execute a similar agreement in favour of the petitioners also.

In the circumstances, stated herein above, we recall the order as far as it records the statement that the applicant-Western Coalfields Limited (the respondent Nos.1 to 3 in the writ petition) would execute similar agreement in favour of the petitioners also. We are not inclined to modify the order allowing the writ petition, as we find on hearing the learned counsel for the parties that the case of the petitioners stands fully covered by the judgment, dated 08/06/2015 in a bunch of writ petitions bearing Writ Petition No.4722 of 2014 and others. We find that the facts and the issues involved in the decided writ petitions are similar and after hearing the parties, this Court had, by the judgment, dated 08/06/2015, allowed Writ Petition No.4722 of 2014 and others and had held that the petitioners in those writ petitions would be entitled to same compensation as was paid to the other landholders on the basis of the Government Resolution, dated 22/08/2012.

Shri Darda, the learned counsel for the applicant-Western Coalfields Limited, on a reading of the judgment, dated

08/06/2015, does not dispute that the facts and the issues involved in the decided cases and the present case are almost identical.

Hence, for the reasons recorded in the judgment, dated 08/06/2015, we allow this writ petition. The order, dated 08/12/2015 is modified to the extent that it grants the relief on the basis of the concession on behalf of the Western Coalfields Limited as the statement was mistakenly made. Though the operative part of the order in Writ Petition No.1782 of 2015 would be the same, the same is based on the judgment, dated 08/06/2015 in the bunch of writ petitions bearing Writ Petition No.4722 of 2014 and others.

We direct the Western Coalfields Limited to pay the monetary benefits to the petitioners within three months.

The review application is disposed of in the aforesaid terms.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 20/09/2016