

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

WRIT PETITION NO. 4078/2016

(PANDURANG KUNDLIK KANFADE & OTHERS **VERSUS** W.C.L., NAGPUR & OTHERS)

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

Court's or Judge's orders

Ms Rajkumari Rai, counsel for the petitioners.
 Shri C.S. Samudra, counsel for the R-1 to 3.
 Shri N. Joshi, A.G.P. for the R-4.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 23, 2016.

By this writ petition, the petitioners seek a declaration that the petitioners are also entitled to similar compensation as is payable to the other land holders whose lands are similarly situated and acquired for the same project, on the basis of the government resolution, dated 22.08.2012.

Ms Rai, the learned counsel for the petitioners, submits that the issue involved in this case was also involved in Writ Petition Nos.4722 of 2014 and 4819 of 2014 and this court has, by the judgment dated 08.06.2015, allowed the writ petitions and has directed the respondent-Western Coalfields Limited to pay the difference in compensation amount to the petitioners therein within four months. It is stated that a similar order should be passed in the case of the petitioners, on parity.

Shri Samudra, the learned counsel for the respondent nos.1 to 3, admits that the question in regard to the applicability of the government resolution, dated 22.08.2012 to the cases of the petitioners in Writ Petition

Nos.4722 of 2014 and 4819 of 2014 was decided by this court but, in those cases, the reference applications filed by the petitioners therein under the provisions of section 14(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 were dismissed. It is stated that the petitioners herein have filed the reference applications under section 14(2) of the Act of 1957 and the said applications are still pending.

Ms Rai, the learned counsel for the petitioners, states that the petitioners would immediately withdraw the reference applications under section 14(2) of the Act if the prayer made by the petitioners in this petition, is granted.

Since we find that the issue involved in this writ petition is exactly like the one involved in Writ Petition Nos.4722 of 2014 and 4819 of 2014 and since this court has held that the government resolution dated 22.08.2012 would apply to the claimants-land holders whose reference applications are dismissed, there should not be any impediment in allowing this writ petition as the petitioners are ready to withdraw the reference applications filed by them under section 14(2) of the Act of 1957 if the prayers made in the writ petition are granted. Since we have allowed the writ petitions filed by the petitioners in Writ Petition Nos.4722 of 2014 and 4819 of 2014 and have held that the government resolution dated 22.08.2012 would be applicable to them, the petitioners cannot be discriminated when they are ready to withdraw the reference applications filed by them under section 14(2) of the Act.

Hence, for the reasons recorded in the judgment dated 08.06.2015 in Writ Petition Nos.4722 of 2014 and 4819 of 2014, we allow this writ petition subject to the petitioners withdrawing the reference applications filed by them under section 14(2) of the Act. We declare that the petitioners would also be entitled to similar compensation like the one paid to the other land holders on the basis of the government resolution dated 22.08.2012. We direct the respondent nos.1 to 3 to pay the difference in compensation amount to the petitioners within four months from the date of furnishing the proof of withdrawal of the reference applications. In the circumstances of the case, there would be no order as to costs.

JUDGE

JUDGE

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