

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

WRIT PETITION NO. 5786 OF 2015

Ravindra S/o Ramlal Satbhaiyya

-vs-

State of Maharashtra, thr.its Secretary, Revenue and Forests Deptt. 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. P. V. Vaidya, counsel for the petitioner.

Mr. S.M.Ghodeswar, AGP for the respondent Nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 04.01.2016.

By this petition, the petitioner seeks a direction to the respondents to hold an enquiry in respect of the land of the petitioner before entering into any agreement in respect of the lands with third parties, who claim to be the owners of the same.

According to the petitioner, though the petitioner is the owner of the land Survey Nos.124, 124/1, 125 and 125/1, the respondents-Western Coalfields Ltd. is entering into an agreement with third parties towards the acquisition of the lands under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957. It is stated that it would be necessary for the respondents to make an enquiry in the matter and pay the compensation to the petitioner.

If the petitioner is aggrieved by the action on the part of the respondents-Western Coalfields Ltd. of entering into private agreements with certain other parties in respect of the acquisition of the aforesaid lands, the petitioner is entitled to avail the remedy under Section 14(6) read with the IInd Proviso to Section 17(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957. The Tribunal is entitled to decide a dispute in respect of the ownership of the land

and the persons that are entitled to compensation towards the acquisition of the same. Instead of availing the appropriate remedy, the petitioner has approached this Court for a direction to the respondents-authorities to make an enquiry in the matter. We are not inclined to entertain the writ petition in view of the existence of the efficacious remedy under the Act of 1957.

The writ petition is disposed of with no order as to costs. The petitioner is, however, free to avail the remedy under the Act of 1957. Order accordingly.

JUDGE

JUDGE

KHUNTE