

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

WRIT PETITION NO. 7175 OF 2014

Shamrao Baliram Nawghare and another

-vs-

Union of India, Ministry of Coal and Energy, thr.its Principal Secretary, New Delhi 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. U.K.Bisen, counsel for the petitioners.
None for the respondent Nos.1 and 2.
Mr.A.S.Mehadia, counsel for the respondent No.3.
Mr.N.R.Patil, AGP for the respondent No.4.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 04.04.2016.

By this writ petition, the petitioners seek a direction to the respondents to grant employment to one of the petitioners against the acquisition of their land by the respondents for their project.

According to the petitioners, the land of the petitioner No.2 was acquired by the respondent Nos.2 and 3-Karnataka Empta Coal Mines Limited for carrying out the coal mining activities in Chandrapur District. According to the petitioners, for every acquisition, it is necessary for the respondent Nos.2 and 3 to grant employment to one person in the family, however, the respondent Nos.2 and 3 failed to employ anybody from the family of the petitioners towards the acquisition of their land. It is stated that though the Vice President (Operations) of the respondent No.2-Company had informed the Manager of IBOCM that the petitioner No.1 could be considered for appointment towards the acquisition of land, the petitioner No.1 has not been employed by the respondent Nos.2 and 3 till date. The learned counsel for the petitioners has relied on an agreement between the Karnataka Empta Coal Mines Limited and the Government of Maharashtra, dated 28/02/2013 and specially Clause-3 thereof to substantiate his submission that it was necessary for the respondent Nos.2 and 3 to employ one person from the petitioners' family.

The respondent Nos.2 and 3 have filed an affidavit-in-reply. It is stated that the land of the petitioners was not acquired under the Land Acquisition Act, but a registered sale deed is executed between the petitioner No.2 and the respondent Nos.2 and 3 on 05/08/2009 after due negotiations. It is stated that the rehabilitation policy cannot be made applicable when the land of the petitioners is acquired by the registered sale deed. It is stated that the internal communications between the authorities of the respondent Nos.2 and 3 cannot be relied upon by the petitioners to seek employment. Also, it is stated that recently the concerned coal blocks have been allocated to Karnataka Power Corporation Limited and at present there is no agreement with Karnataka Power Corporation Limited and the respondent Nos.2 and 3.

In the circumstances of the case, the relief sought by the petitioners cannot be granted. We do not find that there is any agreement between the petitioners and the respondent Nos.2 and 3 that the respondent Nos.2 and 3 would employ a member of the family of the landholder even if the land is acquired by a registered sale deed. Clause-3 of the agreement between the Karnataka Empta Coal Mines Limited and the Government of Maharashtra, dated 28/02/2013 cannot be helpful to the petitioners to seek employment. The agreement refers to the acquisition of the land under the Land Acquisition Act, 1894. In the instant case, the land of the petitioners was not acquired under the provisions of the Land Acquisition Act, 1894, but the petitioners had executed the registered sale deed in favour of the respondent Nos.2 and 3 after due negotiations.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

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