

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 118 of 2016

Baasan Path Bhu. Visthapit Kalyan Samiti Kartali Through Its Secretary, Mohit Ram Netam, S/o Shri Chandan Singh Netam, Aged About 48 Years, Secretary Baasan Paat Bhu Vishtapit Kalyan Samiti, Krtali, R/o Gram Karkali, Post Plai, Tehsil And Police Station Pali, District Korba, (Chhattisgarh) .

---- **Petitioner**

Versus

1. Government of India Through Its Secretary, Ministry Of Coal, New Delhi
2. The State of Chhattisgarh, Through The Secretary Mines And Minerals Resources Department, Mantralaya, New Raipur, (Chhattisgarh)
3. The Collector, District Korba, (Chhattisgarh)
4. The Chairman Cum Managing Director, South Eastern Coal Fields, Seepat Road, District Bilaspur, (Chhattisgarh)
5. The Regional Director, CMPDI, Seepat Road, Bilaspur, (Chhattisgarh)

---- **Respondents**

For Petitioner	: Shri Shailendra Dubey and Shri Himanshu Sharma, Advocate
For Respondent No.1	: Shri N.K. Vyas, Assistant Solicitor General
For Respondent/State	: Shri Y.S. Thakur, Additional Advocate General
For Respondent/SECL	: Dr. N.K. Shukla, Senior Advocate with Shri Vivek Chopda, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

13/07/2017

1. Heard learned counsel for the petitioner, the learned Assistant Solicitor

General, the learned Additional Advocate General for the State and the learned Senior counsel for the 4th respondent SECL.

2. The petitioner has filed this Public Interest Litigation purporting to espouse the cause of the land owners of three Villages namely Kartali, Tendubhata and Damiya. The plea raised relates to issues under the provisions of Coal-Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred, '*the Act*'). The matter was placed as a writ petition by the petitioner on the premise that no Tribunal has been constituted in terms of the provisions of the aforesaid Act as at the time of the institution of the writ petition.
3. The learned Assistant Solicitor General has placed before us communication No. 43021/1/2016-LA&IR dated 06th February 2017 issued by the Government of India through the Ministry of Coal to the Pay and Accounts Officer of that Ministry. The said communication, *inter alia*, evidences the fact that sanction has been granted by the President of India for the continuance of the Part Time Tribunal, Bilaspur with Head Quarters at Bilaspur (Chhattisgarh) for a period of ten months upto 30/09/2017 or until further orders, whichever is earlier. The said Part Time Tribunal is provided in terms of the Provisions of Section 14(2) of the Act. The said Tribunal is intended to serve the purpose of determining the amount of compensation in cases of disputes arising in respect of Coal Bearing Areas in the State of Chhattisgarh and Madhya Pradesh. Obviously therefore, the primary relief that could have been granted through this Public Interest Litigation stands satisfied. Any person or persons desirous of invoking the jurisdiction of the afore noted Tribunal can move that Tribunal for

relief in accordance with law. The locus standi to institute any such petition and the question relating to any claim for compensation are matters which will stand left open for decision by that Tribunal. We record the request of the petitioner, which is stated to be an organization working for the people of the area in question, that any application filed before the Tribunal may be considered and decided at the earliest. Having regard to the short time limit that has been fixed while sanctioning the continuance of the Part Time Tribunal Bilaspur under the Act, we are sure that the Tribunal, if moved, will expeditiously consider any application for compensation.

4. The writ petition ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge