

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 179 of 2017**

1. South Eastern Coalfields Limited Through Its Chairman And Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
2. Chief General Manager, S.E.C.L. Gevra Project (Now Known As Dipika Area) District Korba, Chhattisgarh
3. Senior Managing (Mining) S.E.C.L. Gevra Project (Now Known As Dipika Area) District Korba, Chhattisgarh(Respondent No.1 To 3) **---- Applicants**

Versus

1. Baleshwar Singh S/o Ramprasad, Aged About 24 Years R/o Village Chainpur, Tahsil Pali, Police Station Dipika, District Korba, Chhattisgarh
2. Parmeshwar S/o Ramprasad, Aged About 22 Years R/o Village Chainpur, Tahsil Pali, Police Station Dipka, District Korba, Chhattisgarh(Petitioners)
3. Sub Divisional Officer Katghora, District- Korba, Chhattisgarh
4. Additional Tahsildar, Katghora, District- Korba, Chhattisgarh
5. Collector, Korba, District Korba, Chhattisgarh(Respondent No.4 To 6) **---- Respondents**

For Applicants	:	Mr. Sudhir Kumar Bajpai, Advocate
For Respondent No.1 & 2	:	Mr. Govind Ram Giri with Mr. Basant Kaiwartya, Advocates, on advance copy
For State/Respondents No.3 to 5:	:	Mr. Satish Gupta, G.A., on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/03/2017**

Heard.

1. There is an application for modification of order dated 07.09.2016 on the submission that while disposing off the petition at the motion hearing

stage, itself, on advance copy, to the applicants herein, this Court has observed regarding a policy dated 25.09.91.

2. Learned counsel for the applicants submits that this application has been moved only for appropriate modification because according to the applicants, the land acquisition has taken place way back in the year 1983 and at that time, some other policy was in force and policy dated 25.09.91 was not in existence.

3. Learned counsel for respondent No.1 & 2 opposes and submits that the applicants are only buying time and not deciding the claim of the petitioner despite order passed by this Court earlier. He submits that initially the respondents moved an application for extension of time, which application was allowed by this Court vide order dated 17.01.2017. Now the applicants are coming out with the plea of modification which shows that they do not intend to comply with the direction of the Court.

4. Only by way of clarification, it has to be observed that this Court has not decided any *lis* between the parties. The contention of the petitioner in the writ petition was recorded by this Court and it was observed that on record a policy dated 25.09.91 has been placed. This Court has not given any finding as to which, policy would be applicable in the case of the petitioner. The applicants herein will have to decide the matter on its own merit. The time which has been granted by this Court vide order dated 17.01.2017 requires the applicants to decide the matter within the extended time. Considering that because of modification sought, the applicants have not decided the matter till date, it is directed that finally within a period of two weeks from today, the applicants will have to decide the claim of the writ petitioners and no further time would be granted.

5. Subject to aforesaid clarifications, this MCC is disposed off.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**