

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3094 of 2007

- Maruti Clean Coal And Power Ltd., A company duly incorporated under the Companies Act, 1956 having its registered office at G-9, Hira Arcade, Pandri, Raipur.

---- Petitioner

Versus

1. South Eastern Coal Fields Limited, a government company incorporated under the Companies Act, 1956 having its registered office at Seepat Road, Bilaspur.
2. State of Chhattisgarh through the Secretary, Ministry of Revenue, DKS Bhawan Raipur.

---- Respondents

WA No. 267 of 2007

(Arising out of the order dated 12.10.2007 passed in Writ Petition (C) No. 3089 of 2007 by the learned Single Judge)

- South Eastern Coalfield Limited, a government company incorporated under the Companies Act, 1956, having its registered office at Seepat Road, Bilaspur (C.G.) - through – its Chairman-Cum-Managing Director.

--- Petitioner

Versus

1. Godawari Power And Ispat Limited, Through its Managing Director 428/2, Phase -1, Industrial Area, Siltara, District - Raipur C.G.
2. Maruti Clean Coal and Power Ltd, Through its Managing Director Agrawal Bhawan, Vidyanagar, Bilaspur C.G.

---- Respondents

For Petitioner/Maruti Clean Coal & Power Ltd.	: Shri Manoj Paranjpe, Advocate.
For Respondent-State	: Shri Gagan Tiwari, Deputy G.A.
For Respondent-SECL	: Shri Vinod Deshmukh, Advocate
For Respondent/Godawari Power & Ispat Ltd.	: Shri Amrito Das, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

JUDGMENT ON BOARD

P. R. Ramachandra Menon, Chief Justice

24.07.2019

1. The issues projected in the writ petition and the writ appeal are connected by a common thread, with reference to the title to the disputed property, where a coal washery has been set up by the writ petitioner. The factual

matrix can be summarised as given below :

The property involved herein was claimed to be owned by the SECL, who is Appellant in the writ appeal. This version is not accepted by the State, according to whom the property belongs to the State. In fact, the said property was given on lease to the writ petitioner herein, by the State, subject to the terms and conditions as agreed between the State and the coal washery was set up by the Petitioner accordingly. Despite setting up the factory, coal was not released by the SECL on the requisition made by the writ petitioner, stating that there was a title dispute.

2. It is pointed out that, in connection with the land and the incidental rights, several writ petitions, public interest litigations and also civil suits came to be filed before this Court as well as before the Civil Court by the aggrieved parties at the different points of time. The original suit was filed by the SECL against the State and the Petitioner in WPC No. 3094 of 2007. Various interlocutory applications were filed in the said OS, some of which were allowed and some were dismissed. The aggrieved parties sought to challenge the said proceedings and the matter ultimately reached the Supreme Court. The Apex Court held that all the matters required to be heard and finalised by this Court. Accordingly, the OS was transferred to this Court and was tagged along with the writ petition.
3. Meanwhile, because of the refusal by the Appellant-SECL to release coal, the writ petitioner herein, moved this Court seeking for a direction

to be given to the SECL to release coal to them. The writ petition came to be tagged alongwith OS and it was being considered accordingly. Meanwhile, a customer of the writ petitioner herein, claiming that he was not in a position to run his business for not releasing the coal by the SECL to the petitioner in the WPC No. 3094 of 2007 moved this Court by filing a separate writ petition as WPC No. 3089 of 2007, seeking for a direction against the SECL to release coal to the Petitioner in WPC No.3094 of 2007. The prayer was considered and after hearing both sides, a Learned Single Judge of this Court granted relief to the said petitioner by causing coal to be realised by the SECL to the writ petitioner in WPC No.3094 of 2007. This made the SECL to feel aggrieved, who is before this Court by filing Writ Appeal No. 267 of 2007 against the judgment, which stands tagged alongwith WPC No. 3094 of 2007.

4. While so, the original suit filed by the SECL before the Trial Court, which subsequently came to be transferred to this Court, was dealt with and was finalised by this Court as per judgment and decree dated 05.03.2010, whereby the suit filed by the SECL for declaration of title was dismissed. We are told that the SECL has already moved the Apex Court by filing SLP (C) No. 021277 of 2010, where an interim order was passed on 17.09.2010 directing the parties to maintain 'status quo' as on that date. It is stated that the matter is still pending before Supreme Court.
5. The learned counsel for the Petitioner in the WPC No. 3094 of 2007 submits that in view of the subsequent developments, the SECL has

started supply of coal to the said Petitioner and the arrangement continues; by virtue of which there is no subsisting grievance as on date in this regard; however adding that since the main issue is pending before the Apex Court, further course of action to be pursued by the SECL may have some bearing with regard to the subject matter projected herein.

6. After hearing both the sides, we find that the subsisting dispute is more with regard to the 'title' and the rights and liberties over the property. This is admittedly pending consideration before the Apex Court. Since the grievance of the Petitioner in WPC No. 3094 of 2007, to have supply of coal for functioning of the coal washery set up in the disputed land is stated as redressed, we are of the view that these matters need not to be kept pending anymore, merely with reference to pendency of the matter before the Supreme Court.
7. The relief sought for WPC No. 3094 of 2007 since stand satisfied and further since the SECL has started the supply of the coal to the Petitioner in WPC No. 3094 of 2007, the challenge raised against the verdict passed by the learned Single Judge in the WPC No. 3089 of 2007, which is sought to be interdicted Writ Appeal No.267 of 2007, does no more survive to be considered, having virtually lost its relevance.
8. In the said circumstances, both the writ petition as well as writ appeal stand closed, however, making it clear that the rights and liberties of the parties shall be subject to the orders to be passed by the Apex

Court in the matter which is stated as pending consideration there. We also make it clear that we have not mentioned anything with regard to the merits on the title or as to the other rights and liberties in relation to the property involved herein.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Hem