

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

WRIT PETITION NO. 2474 OF 2017

Western Coalfiles Ltd. Thr. Area General Manager, Nagpur

-vs-

Tahsildar, Kamtee and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. M. Ghare, Advocate for petitioner.
Shri S. B. Bissa, Assistant Government Pleader for
respondent No.1.
Shri R. L. Khapre, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR, J.

DATE : October 15, 2019

Rule. Heard finally with consent of counsel for the parties.

The petitioner is aggrieved by the order dated 11/07/2016 by which the Tahsildar has directed the revenue record to be altered under Section 155 of the Maharashtra Land Revenue Code, 1966.

2. The principal ground of challenge raised by the petitioner is that though the lands in question were acquired under provisions of the Coal Bearing Act, 1957 (for short, the said Act) as a result of which the rights therein vested with the Western Coalfields Ltd., no notice was given to the petitioner before the revenue records were altered by the impugned order.

3. After the parties were heard, Shri R. L. Khapre, learned counsel for the respondent No.2 had sought time to obtain instructions as to whether the respondent No.2 was agreeable for fresh consideration of the aforesaid proceedings under

Section 155 of the said Act. Today, on instructions, it is submitted on behalf of the respondent No.2 that he has no objection if the proceedings under Section 155 of the said Act are considered afresh. He further submits that all relevant material be permitted to be placed on record to enable such adjudication.

4. Accordingly on the ground that the order dated 11/07/2016 was passed without notice to the petitioner, the same is set aside. The Tahsildar shall decide the said proceedings afresh by granting opportunity to the parties to place on record all relevant material. The petitioner through its representative as well as respondent No.2 shall remain present before the Naib Tahsildar on 11/11/2019 to enable such adjudication. The proceedings be decided within a period of two months from the first date of appearance.

Keeping all points open, the writ petition is allowed and disposed of. Rule made absolute accordingly with no order as to costs.

JUDGE