

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5449/2019

Area GM, WCL

..VS..

Surekha B. Medhule & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. M. Chandurkar, Adv h/f Shri R. Chandurkar, Adv for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 07/08/2019

Heard.

By the impugned order, the Special Tribunal (constituted under Section 14 (2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957) has held that the respondent no. 2 – Chandresh Deorao Waghmare is entitled to receive an amount of Rs. 18,72,980/- towards compensation. The submission made on behalf of the petitioner is that as per Section 9 of the Act of 1957, person whose name is recorded in the revenue records on the date of issuance of notification under Section 9 of the Act of 1957 is entitled for the amount of compensation and in the present case, name of the respondent no. 2 – Chandresh Deorao Waghmare was not recorded as owner of the acquired land on the date of issuance of notification under Section 9 of the Act of 1957 i.e. on 27/11/2010. The contention of the petitioner is that it is required to challenge the order passed by the Special Tribunal as the petitioner apprehends that the person whose name was recorded in the revenue records on

the date of issuance of notification under Section 9 of the Act of 1957 may claim employment as per the policy of the petitioner, and the respondent no. 2 – Chandresh Deorao Waghmare may also claim employment relying on the impugned order.

After considering the controversy, I find that the petitioner cannot make any grievance against the impugned order upholding the claim of the respondent no. 2 – Chandresh Deorao Waghmare for the amount of compensation. However, considering the apprehension expressed by the petitioner, it is clarified that any party will not be entitled to take advantage of the impugned order for claiming employment in lieu of acquisition of land, and the petitioner will be free to take its decision as per its policy.

With the above observations, the petition is **disposed**. No costs.

JUDGE

Ansari