

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1929 OF 2020

PETITIONERS :

- 1) Smt. Shantabai Wd/o Dhondbaji Shende, Age-60 years, Occupation – Agriculturist,
- 2) Lakhpatri S/o Dhondbaji Shende, Age-40 years, Occupation - Student, Both R/o At-Singori, Po-Tamaswadi, Tah. Parseoni, District Nagpur-441102.

...VERSUS...

RESPONDENTS :

- 1) Union of India, Through its Secretary of Ministry of Coal, Government of India, Shastri Bhavan, Dr. Rajendra Prasad Marg, New Delhi – 110001.
- 2) Coal India Limited, Through Chairman-cum-Managing Director, Coal Bhavan, Premise No.04, M.A.R., Plot No.Af-Iii, Action Area-1a, New Town, Rajarhat, Kolkata-700156 (W.B.)
- 3) Western Coalfields Limited, Through its Chairman cum Managing Director, Coal Estate, Seminary Hills, Civil Lines, Nagpur-440001.
- 4) Western Coalfields Limited, Through its Chief General Manager, Nagpur-Area, WCL Complex, Kasturbanagar, Jaripatka, Nagpur-440014.
- 5) The Project Officer, Bhanegaon-Singori

Open Caste Coal Mines Project, O/o. Sub Area Manager, Bhanegaon-Singori Sub Area, Bina, Tah.- Kamptee, Dist. - Nagpur-441102.

- 6) Ratnamala D/o Moreshwar Dube, Age – 54 years, Occupation – Agriculturist,
- 7) Chhaya D/o Moreshwar Dube, Age – 42 years, occupation – Agriculturist, Both 6 & 7 R/o Nagoba Galli, Chitar Oli, Mahal, Nagpur-440002.

Mr.G.D.Asole, counsel for the petitioners.
Ms Sushma counsel for respondent Nos.1 to 5.
None present for respondent Nos.6 and 7.

**CORAM : SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ.**

DATE : 01.12.2021

ORAL JUDGMENT (Per : Sunil B. Shukre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties. Though respondent Nos.6 and 7 are served, none appears on their behalf.

3. The whole claim of the petitioners regarding employment against acquisition of the land owned by them is based upon the petitioners being owners of the acquired land well before publication of notification under section 4 of the Coal Bearing (A & D) Act, 1957 (hereinafter referred to as “Act of 1957”).

4. It is the contention of respondent Nos.1 to 5 that the petitioners were not the exclusive owners of the land acquired by Western Coalfields Limited (WCL) before issuance of declaration under section 9 of the Act of 1957 and therefore, the petitioners, who became owners of the land acquired after such a declaration, are not entitled to assert their rights for seeking one employment for the land acquired by the WCL. The reason being that, as submitted by Ms Sushma, learned counsel for respondent Nos.1 to 5, once declaration under section 9 of the Act of 1957 is issued, the land in respect of which such declaration is issued stands vested in WCL as per section 10 of the Act of 1957. Therefore, it is also submitted that on the record of the WCL, the property when it was acquired was jointly owned by the petitioners and

respondent Nos.6 and 7 and other persons and so now there is a dispute as regards seeking of employment and the same would have to be sorted out *inter se* by these parties. It is also submitted that if the dispute is sorted by these parties *inter se* and the name of the person indicated by the parties, WCL would still provide employment to such person, who has been agreed to be provided employment mutually by the parties.

5. Since it is not in dispute that the petitioners' ownership had not been crystallized till the year 2015, when the suit filed in the year 2004 by the petitioners was compromised and a consent decree was obtained, the property acquired would have to be treated as one from the view point of the WCL and now if any employment is to be made available to any of the members of such a family, it is for the parties to mutually agree in between themselves about the name of the person, who could be provided employment and till that happens, the petitioners cannot raise any claim against respondent Nos.1 to 5 for providing separate employment to the son of petitioner No.1.

6. We thus find no merit in the petition. The petition stands dismissed.

7. Rule stands discharged. No costs.

(ANIL L. PANSARE, J)

(SUNIL B. SHUKRE, J)