

05.12.2022  
Item No. 11  
Crt.No.11  
b.r.

**MAT 786 of 2021**  
**with**  
**IA No. CAN 1 of 2022, CAN 2 of 2022, CAN 3 of 2022**

***M/s. Eastern Coalfields Limited & Ors.***  
**-vs-**  
***Manik Chandra Majhi & Ors.***

**Mr. Shiv Shankar Banerjee**  
**Ms. Sanchita Barman Roy**  
**..... for the appellants.**

**Mr. Saranya Chatterjee**  
**Mr. Nipesh Majhi**  
**..... for the Respondents.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Banerjee, Learned Counsel, appears for the appellants/the Eastern Coalfields Limited (for short, the ECL).

The Private Respondents/the writ petitioners, are represented by Mr. Chatterjee, Leaned Counsel.

It is submitted that this appeal is barred by delay. In support of the prayer for condonation of delay an application, being CAN 2 of 2022, has been filed by the appellants.

The application for condonation of delay has been opposed by the Private Respondents/the writ petitioners.

Affidavits have been exchanged by and between the parties to the application for condonation of delay

in terms of the previous order of this Court dated 2<sup>nd</sup> of August, 2022.

Mr. Chatterjee relies upon the authority of *2008 0 Supreme (SC) 1602* being an unreported decision in *Special Leave Petition (C) Diary No. 9217 of 2020* to submit that the application for condonation of delay is without merit.

It is submitted that the appellants cannot take the plea of condonation based on intra-departmental communication/steps which were delayed. The appellants also cannot argue that the filing of the appeal was held up due to lengthy inter and intra-departmental procedures.

Heard the parties on the question of delay.

Considering the materials placed.

This Court is of the view that sufficient cause has been made out to explain the delay.

Accordingly, the delay stands condoned.

**CAN 2 of 2022** stands thus **disposed of**.

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Next, on the merits of the issue the appellants submit that the Hon'ble Single Bench was incorrect in appreciating that the respondents/the writ petitioners could be treated in the category of Land Losers. It is

argued that the land had already devolved on the predecessors-in-interest of ECL, i.e. Bengal Coal Company Limited and in 1973, ECL stepped into the shoes of Bengal Coal Company Limited.

In the above view of the matter, notwithstanding the Sale Deeds registered by and between the respondents/the writ petitioners and ECL in 1997, upon verification of the antecedents of such Sale Deeds, ECL discovered that the land which was sold to ECL by the respondents/writ petitioners, already belonged to its (ECL) predecessors-in-interest namely, M/s. Bengal Coal Company Limited. Such sale is *non est* and ECL cannot be saddled with the liability of granting the respondents/the writ petitioners any privilege under its Land Losers' Policy.

Accordingly, the order impugned of the Hon'ble Single Bench is sought to be set aside.

*Per contra*, Mr. Chatterjee, Learned Counsel appearing for the respondents/writ petitioners, takes this Court to the three registered Sale Deeds contents whereof would disclose recitals to the effect that ECL has been using the said land in issue for the past 10 to 12 years with the consent of the vendors/the respondents/the writ petitioners.

Learned Counsel submits that therefore it is an admitted position that ECL was in knowledge of the user

of the land and for its better and complete utilisation entered into registered Deeds of Sale with the predecessors-in-interest of the present respondents/the writ petitioners.

It is submitted on the basis of the land records that the predecessors-in-interest of the respondents/writ petitioners were direct raiyats under the State. It is pointed out that the policy of ECL to provide for employment opportunities to Land Losers as reflected from a document dated 26<sup>th</sup> August, 2001 will apply to the present respondents/the writ petitioners, who claim employment on the basis of a Package Deal offered in terms of the said Policy of ECL of 26<sup>th</sup> August, 2001 (*supra*).

Having heard the parties and considering the materials placed, this Court finds that the three registered Deeds of Sale have not been nullified and have attained finality. The Deeds of Sale entered into by and between the parties and the predecessors-in-interest of the respondents/the writ petitioners contain explicit recitals acknowledging specific utilisation of the said land for 10 to 12 years prior to registration of the Sale Deeds in 1997. The said Deeds of Sale have not been set aside.

The said Deeds of Sale have binding and persuasive effect. To the mind of this Court, the Hon'ble

Single Bench was correct in acknowledging the binding legal effect of such Sale Deeds *inter se* the parties who are respondents/the writ petitioners and ECL.

Furthermore, this Court finds that the applicable Land Losers' Policy dated 26<sup>th</sup> August, 2001 provided for several categories of employment opportunities on a case to case basis *qua* parcels of land from two acres and above purchased by ECL.

To the mind of this Court, the applicable policy of 2001 will also apply to the facts of this case.

Having considered the above aspect, this Court finds that the order of the Hon'ble Single Bench correctly affirms the binding effect of the registered Sale Deeds and, in view of the clear recitals of the registered Sale Deeds, the Hon'ble Single Bench did not commit any error in extending the Land Losers' Policy to the writ petitioners.

Accordingly, the order of the Hon'ble Single Bench stands affirmed.

**MAT 786 of 2021** with **CAN 1 of 2022**, which is an application for stay in connection with the appeal and **CAN 3 of 2022**, which is an application under Section 340 of the Code of Criminal Procedure filed by the respondents/writ petitioners stand accordingly **disposed of.**

Since Affidavits are not invited, allegations to the contrary are deemed to be denied and disputed.

Affidavit of Service filed in Court today be retained with the record.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

**(Supratim Bhattacharya, J.) (Subrata Talukdar,J.)**