

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

CIVIL WRIT PETITION NO. 2441 OF 2021

Nilkanth S/o. Namdeo Mandavkar

-VS-

Union of India, Ministry of Coal, New Delhi, thr. Secretary and ors.

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

Court's or Judge's Orders.

Mr R. M. Sharma, counsel for the petitioner
Mr Saurabh Choudhari, counsel for respondent No.1
Mr C. S. Samudra, Counsel for respondent Nos. 2 to 4

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ

DATE : 23.02.2022

Considering the short issue involved, the writ petition is heard by issuing Rule and making it returnable forthwith.

2] Lands bearing Gat No. 7 admeasuring 2 H. 33 R. as well as Gat No. 20 admeasuring 1 H. 21 R. have been acquired by the Western Coalfields Ltd. under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957 [hereinafter referred as 'the said Act']. The notification under Section 9 is dated 10.11.2007. It is the case of the petitioner that these lands were owned by his father, who expired on 29.09.1998. In a partition that took place on 10.04.2012 the petitioner and his brothers divided the lands. On the same day the sisters of the petitioner executed a relinquishment deed in favour of their brothers. On the strength of the 'Rehabilitation and Resettlement Policy of Coal India Ltd. 2012', the petitioner seeks employment by relying upon Clause (B) [Employment Provision] of the said Policy. In that regard, on 25.11.2020, the

petitioner made a request to the respondent Nos. 3 and 4 to provide employment to four members from the family. According to the petitioner, for every two acres of land one employment could be considered. Since no decision on this proposal has been taken the petitioner has approached this Court seeking aforesaid relief.

3] Reply is filed by the respondent Nos. 2 to 4 in which it is sought to be urged that the relevant date for considering the request for providing employment would be the date of vesting of the lands under Section 9 of the said Act. The right as accrued on 10.11.2007 was liable to be taken into consideration in this context.

4] Admittedly the application, preferred by the petitioner seeking employment, on 25.11.2020 has not been adjudicated upon. The interest of justice would be served by directing the respondent Nos. 3 and 4 to take a decision on the proposal made by the petitioner seeking grant of employment under the Policy of 2012.

5] Accordingly the following directions are issued:

- i] The respondent Nos. 3 and 4 shall within a period of two months from the date of receipt of copy of this order take a decision on the request made by the petitioner for grant of employment under the Policy of 2012.
- ii] If necessary, the petitioner or his representative can be granted an opportunity to put-forth their case before the respondent Nos. 3 and 4.

iii] The decision taken shall be communicated to the petitioner.

Keeping all points raised on merit in the writ petition open, the writ petition is disposed of with aforesaid directions.

Rule Accordingly. No costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)

Namrata