

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

MISC. CIVIL APPLICATION (REVIEW) NO. 481 OF 2022

IN WRIT PETITION NO. 1922 OF 2019 (D)

(Western Coalfields Limited, thr. its Chairman-Cum-Managing Director, Nagpur & Ors. Vs. Nago s/o
Bapurao Samarth & Ors.)

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

Court's or Judge's order

Shri C.S. Samudra, Advocate for the applicants/ petitioners.
Shri PD. Meghe, Advocate for non-applicant No.6.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : DECEMBER 2, 2022.

Heard learned Counsel for the parties.

According to the learned Counsel for the applicants, since relief was granted to the non-applicants under the Policy of 2000 wherein the words “other relatives” are absent while such words are found in the Resettlement and Rehabilitation Policy of Coal India Ltd., 2008, a case for reviewing the order dated 8/3/2022 has been made out. Since relief has been granted to the non-applicants by considering the observations made in the decision in *Pradip s/o Vithoba Bhoyar Vs. Union of India & Ors. [Writ Petition No. 5802/2012 decided on 23/1/2014]* wherein it was observed that the expression “family” was not an exhaustive definition, it would be necessary to re-consider the said order. It is also submitted that the non-applicant No.6 was not residing with the land owner when the notification acquiring the land was issued and hence he was not entitled for employment. Inadvertently various decisions on this point could not be pointed out when the Writ Petition was heard.

The aforesaid submissions are opposed by the learned Counsel for non-applicant No. 6 by urging that no error apparent on the face of record has been pointed out and hence there is no case for review.

The learned Counsel for the applicants has sought to rely upon the orders passed in other Writ Petitions considering the policies of the years 2000, 2008 and 2012 as well as the requirement of residence alongwith the land owner when the notification was issued and a distinction is also sought to be made on

the basis of definition of the expression “family”. This cannot be a ground for review of the order dated 8/3/2022. However, in view of the said orders it is clarified that the observations made in the order dated 8/3/2022 in Writ Petition No. 1922/2019 would be restricted to the facts of that case.

With the aforesaid clarification, the application is disposed of.

(SMT. M.S. JAWALKAR, J.)

(A. S. CHANDURKAR, J.)

SUMIT