

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

WRIT PETITION NO. 3398 OF 2020

Smt.Shobha wd/o Suresh Matte and others -- Petitioners

vs.

Western Coalfields Ltd. and others --Respondents

Mr. R. K. Maheshwari, Advocate for Petitioners.

Ms. Meghna Munshi, Advocate for Respondent No.1, 2, and 3.

Mr. S. V. Ingole, Advocate h/f. Mr.G. D. Asole, Advocate for
Respondent Nos.4 and 5.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 14 FEBRUARY 2022

P. C. :

Heard learned counsel for the Petitioners.

2. It is the case of the Petitioners that they are entitled to benefits apart from the compensation amount in respect of acquisition of the land referred to in the petition. The Petitioners are aggrieved by the communication received by Respondent Western Coalfields Ltd. (WCL) on 28 November 2019, that there is a Civil Suit pending in respect of this property and only after the suit is decided, a decision can be taken in respect of the entitlement of the Petitioners.

3. The learned counsel for the Petitioners sought to raise various contentions on merits. He states that the suit filed by the Respondent No.4 and 5 is frivolous and they cannot claim any right in respect of property. On the other hand, Respondent Nos.4 and 5 have filed their reply wherein they have raised contentions on merits.

4. We are informed that the Respondent WCL is also party to the Civil Suit, filed by the Respondent Nos.4 and 5. We are also informed that there is no interim order in the suit. We note that the Petitioners, after receipt of this communication, have directly filed this writ petition without bringing to the notice of the authority, the contentions which the Petitioners seek to raise in this petition. The petitioners have not pointed out to the authorities, the contentions raised more particularly, regarding absence of any interim relief in the suit. According to us, the Petitioners ought to have pointed out all these facts to the Respondent WCL before approaching this Court.

5. It is open to the Respondent Nos.4 and 5 to obtain necessary orders in the pending suits if they intend that the Respondent WCL should not proceed with the matter.

6. The learned counsel for the Petitioners states that Petitioners will approach the Respondent WCL within a period of two weeks from today. If they do so, the Respondent WCL will

take a decision within a period of eight weeks and inform the parties.

7. We grant longer time of eight weeks to the Respondent Authority to decide the representation of the Petitioners, as and by way of an opportunity to the Respondent Nos.4 and 5, if they choose to seek any restraint order in the suit filed by them. Such application in the suit will be considered on its own merits.

8. Writ Petition is disposed of as above. No costs.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]