

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

WRIT PETITION NO. 8206 OF 2018

Shankar Bodhe and another
Vs.
Western Coal Fields Ltd. and another

Mr. V.R. Choudhari, Advocate for the Petitioners
Mr. C.S. Samudra, Advocate for Respondent No.1
Mr. A.M. Ghare, Advocate for Respondent No.2

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.
DATED : 25 FEBRUARY 2022**

P.C. :-

Heard learned counsel for the parties.

2. The Petitioners are seeking a direction to Respondents to grant employment to the Petitioner No.2 who is the grand daughter of the Petitioner No.1 whose land has been acquired by the Respondents. Since the appointment is not given the Petitioners have approached this Court.

3. The Petitioner No.1 was the owner of an agricultural land admeasuring 1.79 Hectors in Chandrapur. The land of Petitioner No.1 was acquired by Respondents for the coal mines. Notification to that effect was issued on 22 September 2008, compensation for the acquisition was paid. The Respondents

also have a policy for rehabilitation and resettlement wherein certain benefits such as employment to family members of the person whose land is acquired are extended.

4. It is the case of the Petitioners that the Petitioner No.2 who is the grand daughter of the Petitioner was staying with the Petitioner No.1 and would fall within the ambit of definition of family under the Rehabilitation policy of the Respondents. The Rehabilitation 2012 policy contains definition of “family” as under :

“(b) “family” includes a person, his/her spouse, son including minor sons, dependent daughters, minor brothers, unmarried sisters, father, mother residing with him or her and dependent on him/her for their livelihood; and includes “nuclear family” consisting of a person, his/her spouse and minor children. Provided that where there are no male dependents, the benefit due to a land loser may devolve on dependent daughter nominated by the land loser.”

There is no reference to grand daughter in this definition. The word ‘dependent’ has been used in the context of the words preceding to and ‘dependent’ is not used in a stand alone manner.

5. In contrast, the earlier policy of 2008 had a different definition of “Family”. The definition of the Family in the 2008 policy read thus :

“family” includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood and includes “nuclear family” consisting of a person, his or her spouse and minor children.”

(Emphasis supplied)

The 2008 policy contained a category of other relatives residing and dependent on the person whose land is acquired. In the 2012 policy this category is specifically excluded.

6. The case of the Petitioners is that the Petitioner No.2 a grand daughter, meaning thereby other relative, was residing and therefore eligibility is based on the policy of 2008 and not of 2012, which is applicable. Therefore, contention of the Petitioners that the Petitioner No.2 would be considered Other Relative residing and dependent cannot be accepted.

7. The learned counsel for the Petitioners has relied upon decision of this Court in the case of *Pradip s/o Vithoba Bhoyar Vs. Union of India and others in Writ Petition No. 5802 of 2012 decided on 23 January 2014*. In this decision the grand daughter staying with the person was directed to be given employment. However, the decision gave effect to 2008 policy as can be seen from the judgment and not the 2012 policy.

8. In the light of the fact that the Petitioner No.2 does not fall within the definition of the Family in the 2012 policy, writ cannot be issued to the Respondents as sought for by the Petitioners.

9. The Writ Petition is accordingly rejected.

[ANIL L. PANSARE,J.]

[NITIN JAMDAR,J.]

MP Deshpande