

12.07.2023
rc/ct.no.10
Item No.23

WPA No. 1609 of 2018
With
CAN No. 1 of 2018 (Old No. CAN 4347 of 2018)
Sri Ashok Kumar Nandy, since deceased represented
by Khagendranath Nandi & Ors.
Versus
Union of India & Ors.

Mr. Partha Ghosh	
Mr. Amal Kumar Datta	
Ms. Ria Paul	
Mr. Debasish Das	
Ms. Simran Sureka	
Mr. Rahul Agarwala	...for the petitioner
Mrs. Hasi Saha	for the UOI
Mr. Shiv Shankar Banerjee	
Mrs. Sanchita Barman Ray	...for the ECL

Report in the form of affidavit submitted on behalf of the Eastern Coal Field Limited (in short, “ECL”) is taken on record.

The primary prayer of the petitioner was for cancellation of the memo no. 979 dated September 01, 2014 issued by the Chairman-cum-Managing Director, ECL, Sanctoria, Post Office- Dishergarh, District – Burdwan. The said notification is an administrative approval for purchase of 30.35 acres of land with 15 numbers of employment under package deal. Modalities of such purchase and offer of employment are also recorded in the said notification. The substituted petitioners claimed to be land losers who have parted

with possession of their land in favour of the ECL authorities and submitted that the compensation granted to them was not adequate.

Paragraph 6(a)(ii) of the report in the form of affidavit submitted by ECL demonstrates that those who are not eligible for employment an amount of Rs.6,00,000/- per acre on pro-rata basis irrespective of classes of land to be provided to the land owners as land value without employment benefit and with monetary compensation in lieu of employment @Rs.5,00,000/- per acre on pro-rata basis to be provided as per R&R policy of CIL.

Paragraph 8 of the report states that as per competent approval obtained in this regard either employment can be provided to Pubali Nandi (recommended for employment by the original petitioner) as per approved norms/ guidelines of Coal India Limited and as per prevailing R&R Policy of CIL or in case of without employment negotiated land value along with one time cash compensation can be provided as per norms and prevailing R&R Policy of CIL.

It is submitted on behalf of the petitioners that the petitioners are agreeable to accept the benefits they are entitled to under the norms of the prevailing R&R policy of CIL.

In view of the above, this Court is inclined to hold that since the petitioners are willing to accept the

benefits available to them as per norms of the prevailing R&R Policy of the CIL, the concerned authority being the respondent no. 4 herein, is directed to consider the claim of the petitioners in the light of the observation made in the body of this order.

The petitioners seek to submit a comprehensive representation before the concerned authority stating the entire facts as well as their claim along with relevant documents and pray for a direction upon the authority to consider the representation at the earliest.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 4th respondent within one month from date. The 4th respondent shall consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)