

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

WRIT PETITION NO.2134 OF 2018

(Sharda Yatayat Evam Parvahan Sahakari Samiti Maryadit, Eklahara (MP) Vs.
Ministry of Coal India, New Delhi and others)

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

Court's or Judge's orders.

Mr. S. N. Bhattad, Advocate for Petitioner.
Mr. P. V. Navlani, Advocate for Respondent 1.
Mr. C. S. Samudra, Advocate for Respondent 2.
Mr. O. A. Ghare, Advocate for Respondents 3 and 4.

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.

DATE: 2nd AUGUST, 2023.

The prayer clause of the petition read thus:

- (i) Quash and set aside the decision dated 12/02/2018 issued by respondent No.4 declaring as illegal and improper at Ann.10.*
- (ii) Direct the respondents to implement the policy dated 26/05/2012 granting relaxation to the co-operative society to the project affected person in its true letter and spirit; at Annex No.6.*
- (iii) grant any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case, in the interest of justice.*

2. We are not inclined to consider any of the prayers in the petition.

3. It is not even the case of the petitioner that there is some live tender notice, in which the petitioner may be in a position to participate if the prayer clauses are allowed.

4. Possibly, due to the passage of time from 2018, when the petition is filed, as on date the prayers are only academic.

5. Inasmuch as there is no specific tender which is assailed in the petition, we find it more appropriate to dispose of the petition, keeping all contentions open, with liberty to the petitioner society to file a structured petition as and when there is a direct cause of action to do so, i.e. if there is any tender notice issued which according to the petitioner is contrary to the policy of WCL or which is otherwise illegal.

6. The petition is disposed of.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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