

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

WRIT PETITION NO.3298 OF 2021

- Petitioner** : Prabhakar Sadashiv Dhawas,
Aged about 56 years, Occupation : Agriculture,
Resident of Subhash Ward, Warora,
Tahsil Warora, District Chandrapur.
– Versus –
- Respondents** : 1. Western Coalfields Limited,
Through its Area General Manager, Majri Area,
Kuchna, Post Kuchna, Tahsil Bhadrawati,
District Chandrapur and through Nagpur Office –
C.M.D., W.C.L., Civil Lines, Nagpur 440 001.
2. Gajanan Sadashiv Dhawas,
Aged about 60 years, Occupation – Retired,
Resident of Bawane Layout, Ekarjuna Road,
Near Hanuman Temple, Warora,
Dist. Chandrapur – 442 907.
3. Ravindra Tukaram Thak,
Aged about 45 years, Occupation– Private Service,
Resident of Subhash Ward,
Beside Katariya Mangal Karyalaya, Warora,
Tahsil Warora, District Chandrapur – 442907.
4. Mahendra Tukaram Thak,
Aged about 42 years, Occupation– Agriculturist,
Resident of Nandori, Ta. Bhadrawati,
District Chandrapur – 442 902.
5. Raju Tukaram Thak,
Aged about 39 years, Occupation– Private Service,
Resident of c/o Vikash Bode, Indira Nagar, Near
Priyadarshani Hall, Near Mata Mandir,
Chandrapur – 442 401.

Mr. A.A. Naik a/w Mr. A.A. Choube, Advocates for the Petitioner.
Mr. N.G. Moharir, Advocate for Respondent No.1.

CORAM: A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : 24th APRIL, 2023.

ORAL JUDGMENT : *(Per A.S. Chandurkar, J.)*

Rule. Rule made returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

02] Land bearing Gat No.50 was owned by the father of the petitioner and the respondent No.2. The same came to be acquired by respondent No.1 under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957. In view of the decree passed in R.C.S. No.5/2015 on compromise between the petitioner and the respondent No.2, it was held that the petitioner would be entitled to Gat No.50. It is, therefore, the case of the petitioner that the monetary compensation in lieu of employment was not liable to be granted to the respondent No.2. The respondent No.1 on 12/10/2019 issued a communication to the petitioner requiring 'no objection' from all legal heirs of original owner Sadashiv Dhawas. Being aggrieved, the petitioner has challenged the said communication.

03] We have heard the learned Counsel for the petitioner and the learned Counsel for respondent No.1. The other respondents have not chosen to contest the writ petition.

04] The petitioner seeks to rely upon the notarized consent document dated 13/08/2015 signed by respondent Nos.2 to 5 by which they have given their no objection to the petitioner for receiving the amount of monetary compensation. According to respondent No.1, unless consent of all aforesaid parties is obtained, the amount of monetary compensation cannot be released. Since respondent Nos.2 to 5 have not chosen to appear in the present proceedings, the following order would serve the interest of justice :-

- I. Respondent No.1 shall issue notice to all legal heirs of Sadashiv Dhawas and require them to attend the office of respondent No.1 on a particular date. The notice shall state the consequences of non-appearance of any party and it shall also indicate that finally orders would be passed notwithstanding such absence despite service. After considering all relevant documents, including the compromise decree passed by the Civil Court, the respondent No.1 thereafter shall pass an appropriate order in the matter of releasing monetary compensation in favour of the petitioner. The necessary

exercise be completed within a period of two months from receiving the copy of this order.

II. Rule is disposed of in aforesaid terms with no orders as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

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