



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

FIRST APPEAL NO. 622 OF 2021

(SMT. SUMAN KESHAO THAMKE & OTH..VS.. AREA PLANNING OFFICER, WCL & OTH.)

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

Court's or Judge's orders

Ms Shreya Jain, Adv. h/f. Shri S.S.Dhengale, Advocate for Appellants.
Ms Meghna Munshi, Advocate for Respondent No.1.
Shri P.S.Sahare, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 15, 2023.

1. Heard.
2. The Order dated 14/10/2020 passed below Exh.1 by Special Tribunal Constituted under Section 14(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, directing to pay compensation by making four shares and paying it to the Legal Representatives of Bapurao, Girija, Laxmi and Kamal equally, is under challenge in this appeal.
3. The only ground raised in this appeal is that Kamal has no share in the amount of compensation for the reason that she has already relinquished her share in the property i.e. Survey No.63/2 of Mouza: Junada in favour of Legal Representatives of Bapurao i.e. in favour of the appellants.
4. On the other hand, Shri Sahare, learned counsel for the respondent No.2 submits that the said Relinquishment Deed was executed after the date of

notification and therefore, the Relinquishment Deed is illegal and cannot be relied upon.

5. After going through the impugned order, it is apparent on the face of the order that the Tribunal has not gone into the issue namely, whether there is Relinquishment Deed executed by Kamal and if yes whether validity of it can be examined by the Tribunal, while passing the impugned order.

6. In the circumstances, it will be appropriate to remand the matter back to the Tribunal to decide the rights of the Legal Representatives of Bapurao in light of the Relinquishment Deed and also to examine whether the Tribunal can go into the issue of validity of the Relinquishment Deed as argued by the learned counsel for the respondent No.2. Accordingly, I pass the following order:

- i) The Appeal is partly allowed.
- ii) The impugned order dated 14/10/2020 passed below Exh.1 by Special Tribunal Constituted under Section 14(2) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, in Compensation Case No. 7 of 2017 is quashed and set aside.

- iii) The matter is remanded back to the Tribunal to decide it afresh after hearing both the parties.

The First Appeal is **disposed of** accordingly. No order as to costs.

JUDGE

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