

14.08.2024

**Sl. No. 76
Ct. No. 23
Srimanta**

**IA No.:CAN/1/2024
in
WPA/15721/2024**

**Syed Jarzis Hossain
-Vs.-
Coal India Limited & Ors.**

Mr. Swapan Kumar Chatterjee,
Mr. Sukumar Sarkar

...for the petitioner.

Syed Nurul Arefin,
Syed M. Arefin

...for the ECL.

The petitioner as per the affidavit appended to the writ petition is aged about 67 years. This writ petition has been filed on 14th June, 2024 with a prayer directing Eastern Coalfields Limited (in short, ECL) to appoint the nominee of the petitioner to a suitable post under Land Loser Scheme. It is the case of the petitioner that the petitioner's land was acquired by ECL under a Land Loser Scheme in the year 1985 with the assurance that one family member of the family in which the land so acquired will be given an employment following a ratio. The petitioner filed a previous writ petition in the year 2015 being numbered as W.P.No. 19199 (W) of 2015, *inter alia*, seeking a direction upon ECL to forthwith give appointment to the petitioner under the Land Loser Scheme. The said writ petition was dismissed by an

order dated 9th September, 2015. The operative portion whereof is set out hereunder:-

“Purely on the ground of inordinate delay and laches, the writ petition is liable to be dismissed and is accordingly dismissed.

Dismissal of the writ petition, however, shall cause no prejudice to the petitioner’s rights in any manner should the concerned authority of the Eastern Coalfields Limited consider his case favourably at the subsequent stage”.

The petitioner says that though the previous writ petition was dismissed but it was clarified that the same shall cause no prejudice to the petitioner’s right if the concerned authority of ECL considered his case favourably at a subsequent stage. The petitioner also says that pursuant to the said order several representations have been made to the ECL authorities for granting appointment to his nominee but all such representations have remained unaddressed. The fact remains that the earlier writ petition was dismissed on the ground of delay and laches. The same cause cannot be revived in 2024 by citing submission of representations subsequent to the passing of the order. The Hon’ble Supreme Court has clarified in **2019 (15) SCC 633 (Union of India & Ors. vs. C. Girija & Ors)** that filing of successive

proceedings till the desired result is achieved should not be permitted as it is an abuse of process. It has also been clarified in **2022 SCC Online SC 1785 (State of Uttar Pradesh & Ors. vs. Rajmati Singh)** that successive representations should not be sent directed to be considered in **(2017) 5 SCC 496 (Dnyandeo Sabaji Naik & Anr. vs. Pradnya Prakash Khadekar & Ors.)** as by that process a stale claim may revive. The Hon'ble Supreme Court has also clarified that even representations which are directed to be considered after the claim has become stale or time barred no fresh limitation period will accrue in view of such order.

Considering the facts of the instant case in the light of the said Judgments, I do not find any substance in the writ petition. The land was acquired in 1985. The first writ petition was filed in 2015 which was dismissed for inordinate delay and laches. Subsequent thereto by filing representations the petitioner intends to revive a stale claim. The cause of the petitioner, if any is sought to be carried forward through generations which is an abuse of process. The writ petition is unmeritorious and is liable to and should be dismissed. The writ petition is accordingly dismissed with cost assessed at Rs.5,000/- to be paid to the High Court Legal Services Committee within

one month from date. The payment of cost is a pre-condition for the petitioner and/or his successor in the interest in filing a subsequent writ petition on the selfsame cause.

Since I have dismissed the main writ petition the application being CAN/1/2024 filed in the writ petition also stands disposed of without any order.

(Arindam Mukherjee, J.)