



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

WRIT PETITION NO. 5523 OF 2023

(Priyanka Manoj Thaware vs. Western Coalfields Ltd. and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.C.Mehadia, Advocate for petitioner.
Mr. C.S.Samudra, Advocate for respondent Nos.1 and 2.
Mr. A.H.Matetwar, Advocate for respondent Nos.3 to 7

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : DECEMBER 12, 2024

1) On 08/10/2024, we had recorded the following position :-

“There is no dispute that in addition to the compensation received for acquisition of the land, the land owners are also entitled to employment for compensation in lieu of employment. The compensation for acquisition of land has already been received. The dispute is now restricted to grant of employment or compensation in lieu thereof. The land is jointly owned by the petitioner and the respondent Nos.3 to 8. While the petitioner is seeking employment expressing her desire to forgo the compensation in lieu thereof, the respondent Nos.3 to 8, who are the joint owners are not agreeable for the same and are claiming compensation in place of employment. Since there is a dispute, unless the respondent Nos.3 to 8 are agreeable for the same, the respondent Nos.1 and 2 in terms of the policy would not be in a position to grant employment to the petitioner. The learned counsel for the petitioner, therefore, submits that he will take instructions regarding the willingness of the petitioner to pay compensation to the respondent Nos.3 to 8 in case employment is to be granted to the petitioner.”

2) The matter was therefore sent for mediation and the report of the learned Mediator dated 28/11/2024 therefore, indicates failure of the mediation. Since the grant of employment to the petitioner cannot be without the consent of

all the co-owners, which is required in terms of "R and R" policy, we do not see as to how the claim of the petitioner for grant of employment can now be sustained. All that the petitioner now be entitled a share in the compensation to be received in lieu of employment, in terms of the policy. The petition is therefore, dismissed. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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