



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

Writ Petition No.102/2022

aya and another V the Managing Director, Western Coalfields Ltd, Nagpur and another)

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

Court's or Judge's orders

Ms. Shaad Mirza, Advocate h/f Mr. F.T. Mirza, Advocate for petitioners.
Mr. C.S. Kaptan, Senior Advocate a/b Ms Priti Rane, Advocate for resp. no.1.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ

DATE : 04-03-2024.

Heard.

2. Pursuant to the provisions of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (for short, 'the said Act'), the vesting in the respondent-Western Coalfields Limited under sub-section (1) of Section 11 of the said Act, is relegated back to section 9 Notification is of dated 20-08-2015 i.e the date of publication of Notification. In view of above, the land which was acquired under the said Act inspite of there being decree for partition and separate possession in RCS No.06/2015 on 20-07-2016 already stood vested in the respondent-Western Coalfields Limited. As a sequel of which, the decree cannot be said to be executed to the extent of land acquired.

3. As such, *prima facie*, we are of the view that the objection raised by the respondent that unless the co-owners whose names were recorded in the revenue record as on the date of Section

4 Notification, consent for grant of employment to the petitioner is must and therefore, her candidature is rightly said to be ignored by the respondent.

4. However, the contention raised by learned Senior Advocate that in case if all the co-owners extend consent for grant of employment, the candidature of the petitioner can be considered for grant of employment as against the land acquired appears to be quite justified.

5. As such, by keeping such right reserved of the petitioner, we do not see any reason to interfere in the petition. Accordingly, the same stands dismissed.

6. Learned Senior Advocate has fairly consented that in case if the petitioner comes with the consent of all the land co-owners, the claim of the petitioner for grant of employment shall be considered according to the seniority.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)