



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

WRIT PETITION NO.6890 OF 2023

[Manisha Kallu Nishad ..V/s.. Union of India and Ors.]

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

Court's or Judge's order

Ms S. M. Tripathi, Advocate for Petitioner.
Mr N. G. Moharir, Advocate for Respondent No.2.

CORAM : VINAY JOSHI AND M. W. CHANDWANI, JJ.

DATE : 3rd AUGUST, 2024.

. Heard.

2. Land bearing survey Nos.88/1 and 88/2 has been acquired for WCL Project by issuing Notification dated 27.01.2015 under Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957. The revenue record at the relevant time shows that petitioner was the owner of survey No.88/2 admeasuring 0.82 H.R, whilst remaining land bearing survey No.88/1 was owned by Manoj Chaudhari. The petitioner has applied for grant of appointment on account of acquisition of land. The Authority declined to consider her urge for employment on the ground that civil suit namely RCS No.66 of 2022 is pending in which, petitioner's brother Rajesh had challenged the alienation made by his father during his minority. Since the said alienation (sale deed) was of the year 2011, it does not bare a reference as to which, portion of the survey No.88 admeasuring 0.82 H.R. was sold. The, pending civil suit does not bare the specific division in survey No.88. Petitioner's brother Rajesh has filed said civil suit for setting aside sale deed, but as there is no specification as to whether the challenges is to survey Nos.88/1 or 88/2. WCL has not

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considered the petitioner's urge by keeping it in abeyance.

3. Looking to the matter from another angle, it is not in dispute that petitioner is the owner of land survey No.88/2 admeasuring 0.82 H.R., whilst the dispute is about remaining 0.82 H.R. in between petitioner's brother Rajesh and purchaser Manoj. In any case, suit is decreed or dismissed that would have repurcation on conferment of title of 0.82 H.R. portion only. Still, it has no impact on the remaining land admeasuring 0.82 H.R. owned by petitioner, and latter acquired.

4. It is petitioner's contention that as per R and R Policy of the year 2012, land having minimum holding of 2 acres would get one employment. In the circumstances, we see no difficulty in deciding the petitioner's urge for employment. The decision of civil suit would not come in the way of said adjudication, if the holding of petitioner satisfies the criteria.

5. In view of above, we direct respondent No.2 - WCL to reconsider the petitioner's eligibility on the basis of above observations and the prevailing policy. The petitioner shall be given an opportunity to produce all relevant documents before the Authority. The appropriate decision shall be taken within three months from the date of production of documents by the petitioner.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)