



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

WRIT PETITION NO. 3584 OF 2024

(Shankar Kondbaji Aswale & Ors.

Vs.

Western Coalfields Ltd., Thr. its Chairman-cum-Managing Director Coal
Estate, Headquarter Nagpur & Ors.)

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

Court's or Judge's orders

Mr. A.A. Dhawas, Advocate for the Petitioners.
Mr. N.G. Moharir, Advocate for the Respondent Nos.1 & 2.
Mr. Raju Kadu, Advocate for the Respondent Nos. 3 & 4.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 4th APRIL, 2025

1. Heard Mr. Dhawas, learned Counsel for the Petitioners, Mr. Moharir, learned Counsel for the Respondent Nos. 1 and 2 and Mr. Kadu, learned Counsel for the Respondent Nos. 3 and 4.
2. Leave to amend the prayer clause to challenge the communication dated 08.02.2024 (page 314), is granted. Amendment be carried out forthwith.
3. The Petitioner No.1, had purchased the land admeasuring 0.44 HR out of Gat No. 158 and 0.42 HR out of Gat No. 159 from the Respondent Nos. 3, 4 and 5 by registered sale deed dated 15.06.2015. Similarly, Petitioner No.2 had purchased land admeasuring 0.32 HR from and out

of Gat No. 160 from the erstwhile owners Premkumar Bodhane, Bhimrao Petkar/Respondent No.3 and Sanjay Petkar/Respondent No.4 vide sale deed dated 11.08.2015, and there after the lands were acquired by the Respondent Nos.1 and 2 in view of the Notification under Section 9 of the Coal Bearing Areas (Acquisition and Development), Act 1957 dated 27.08.2020 in respect of which an award has already been passed in favour of the Petitioners on 31.12.2020 as per the statement of Mr. Moharir, learned Counsel appearing for the Respondent Nos. 1 and 2.

4. The Respondent Nos. 3 to 5 however realizing that something was to be had from and out of the said lands, approached the Civil Court by way of R.C.S. No.17/2021 challenging the sale deeds dated 15.06.2015 and 11.08.2015. What is necessary to note is that the suit was dismissed in default, as a result of which the Respondent Nos. 3 to 5 filed M.J.C. No.79/2022 for condonation of delay in filing restoration application, which was rejected by the order dated 20.04.2023, which has been set aside by this Court in Writ Petition No.3648/2023 resulting in restoration of the application. According to Mr. Dhawas, learned Counsel for the Petitioners, the M.J.C. for restoration, is presently pending.

5. It is in these circumstances, that the Petitioners in terms of the R and R Policy, 2012 applied to the Respondent Nos. 1 and 2, for grant of employment, which claim has been rejected on 08.02.2024 on the ground, that the Petitioner No. 1 had title to only 0.20 HR of land of Survey No. 158/1

Mouza Marda, Tahsil Warora, District Chandrapur, which was in the subject matter of Civil Court Case No.79/2020.

6. On a query being made to Mr. Kadu, learned Counsel for the Respondent Nos. 3 to 4, candidly admits, that there is no stay in the civil proceedings to the effect and operation of the sale deeds transferring title to the aforesaid lands in favour of the Petitioners. That being the situation, the rejection of the claim of the Petitioners for being considered for employment cannot be sustained, as the sale deeds still continue to hold the field.

7. We, therefore, **allow** the Petition by directing the Respondent Nos. 1 and 2, to consider the claim of the Petitioners for grant of employment in terms of the R and R Policy, 2012 in case the Petitioners satisfy all the requirements in that regard to the satisfaction of the Respondent Nos.1 and 2.

8. The Petition is accordingly **allowed** in the above terms. No costs.

9. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)