

12th May, 2026
(D/L No.19)
Ct. No.4
(SKB)

F.M.A. 1168 of 2025
With
CAN 1 of 2025

Samrat Roy
Versus
The Eastern Coalfields Limited and others

Mr. Sandipan Banerjee,
Ms. Utsa Dutta
... for the appellant.

Mr. Syed Nurul Arefin
... for the respondents.

1. Heard the learned advocate for the appellant as well as the learned advocate for the respondents.
2. The writ petitioner/appellant approached the writ court for appointment under the land loser scheme, by way of a writ petition seeking a direction upon the respondent authorities in the following terms:

“ a. A writ in the nature of Mandamus directing the respondent their agent and sub-ordinates to give appointment in favour of the Petitioner and allow him to join under the said Respondents in any post forthwith under the said Category.

b. A Writ in the nature of Certiorari directing the respondent there agent and sub-ordinates to produce the case record of the case before the Hon’ble High Court. So that conscionable justice may be done to peruse the same.

c. An interim order of mandatory direction directing the said respondents and their agents on sub-ordinates to give appointment in favour of the Petitioner and allow him to join under the said Respondents in any post on adhoc basis in any manner whatsoever till the disposal of the application.

d. Rule NISI in terms of prayer (a) & (b) above.

e. Cost and incidentals to this application.

f. Any other or further order or orders as to Your Lordships may seem fit and proper.”

3. The learned Single Judge has rejected the writ petition by holding that the petitioner could not make out a claim enforceable by issuance of a mandamus in exercise of jurisdiction under Article 226 of the Constitution of India.
4. It is submitted by the learned advocate for the writ petitioner/appellant that the petitioner's name is recorded along with his mother and grandmother in the Office of the L.R.R.O.R. against the land admeasuring nearly .75 acres, which was acquired by the respondent organization. The records reveal that an issue had occurred whether the petitioner who was two years old at the time of acquisition could hold a 'Patta' in his name or not.
5. The petitioner claims that he was called to participate in the proceedings before the Land Cell Committee. In support of such submission he placed some correspondence in this regard between 6.11.2012 till 10.07.2013.
6. After that, there is neither any action on the part of the respondents; nor any assertion of rights by the writ petitioner, prior to filing of the writ petition, order of which is under challenge in the present writ proceedings.

7. The writ petition was filed in 2023. In the writ petition, the petitioner has specifically averred that he does not have a 'Patta' as the same is lost. He is relying upon the entries made in the L.R.R.O.R. Therefore, the claim essentially involves an issue of right, title and interest in the lands acquired. Further we find that the scheme under which the writ petitioner was claiming relief was not annexed with the writ petition.
8. From a consideration of the facts taken note of above, we find no infirmity in the above noted view of the learned Single Judge that the writ petitioner failed to make out any case for issuance of a positive direction in exercise of jurisdiction under Article 226 of the Constitution of India. No existing and legally enforceable right was made out. The refusal to exercise the extraordinary and discretionary writ jurisdiction by the learned Single Judge, in the circumstances, does not merit any interference.
9. We would only observe that it will be open to the writ petitioner to pursue the matter; and/or to take appropriate steps to establish his claim in a forum of competent jurisdiction, in accordance with law.
10. The appeal is, thus, dismissed.

11. Accordingly, the application being CAN 1 of 2025 is disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)