



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

WRIT PETITION NO.156 OF 2024

PETITIONER : **Shri Surendra Gopal Pijdurkar,**
Aged about 34 years, Occupation:
Agriculturist, R/o. Majari Colliery, Post:
Shivjinagar, Tq. Bhadrawati, District
Chandrapur.

..VERSUS..

RESPONDENTS : 1 **The Chief Managing Director,**
W.C.L. Coal Estate, Seminary Hills, Civil
Lines, Nagpur.

2 **The Director (Personnel),**
W.C.L. Coal Estate, Seminary Hills, Civil
Lines, Nagpur.

3 **The General Manager (L&R) Department,**
W.C.L. Coal Estate, Seminary Hills, Civil
Lines, Nagpur.

4 **The General Manager,**
W.C.L., Majri Area, Kuchana, Post: Kuchna,
Tq. Bhadrawati, District Chandrapur.

5 **Amarsingh S/o. Gayaprasad Kevat,**
Aged about 47 years, Occupation: Service,
R/o. New Majari Colliery, Near 66/11 KV
Sub Station, Bankar road, Near House of
Suksham Patil, Post: Shivjinagar, Tq.
Bhadrawati, district Chandrapur.

6 **Dukhilal S/o. Gayaprasad Kevat,**
Aged about 45 years, Occupation: Labour,
R/o. Village Lohara, Near House of Police
Patil, Beside Gorakshan, Post: MEL (Steel
plant), Chandrapur, Tq. Chandrapur.

7 **The Collector (Rehabilitation),**
Chandrapur, Collectorate Office, Tq. &
Distt. Chandrapur.

Shri. S. N. Singh, Advocate for Petitioner.
Shri. C. S. Samudra, Advocate for Respondent Nos.1 to 4.

CORAM : **ANIL S. KILOR AND RAJ D. WAKODE, JJ.**

DATE : **4th MAY, 2026.**

ORAL JUDGMENT : **(PER : RAJ D. WAKODE, J.)**

1. Heard Shri. S. N. Singh, learned counsel for the petitioner and Shri. C. S. Samudra, learned counsel for respondent Nos.1 to 4.

2. None appeared on behalf of respondent Nos.5 and 6, though they are duly served by the regular mode of service.

3. **Rule.** Rule made returnable forthwith. The present writ petition is heard finally with the consent of the learned counsels appearing on behalf of the respective parties.

4. The petitioner, being the land owner, has approached this Court seeking a direction to respondent Nos.1 to 4 to grant the claim of one employment to the petitioner on acquisition of his land, as per R and R Policy, 2012. The petitioner further seeks a direction to respondent Nos.1 to 4 not to insist upon the petitioner to bring a No Objection Certificate from other joint owners, i.e. respondent Nos.5 and 6, for grant of such employment.

5. Brief facts leading to the filing of the present writ petition are as follows:

5.1. The land bearing Survey No. 13/2 (0.81 H.R) of Mouza Shivjinagar was acquired pursuant to publication of Section 9 Notification under Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as “the aforesaid Act” for the sake of brevity) on 22.10.2011. Upon publication of the aforesaid notification under Section 9(i) of the aforesaid Act, the aforesaid land stood vested in the Central Government free from all encumbrances whatsoever. Thereafter, the land vested in respondent company on 14.07.2012 upon publication of notification under Section 11(i) of the aforesaid Act. The 7/12 extract existing at the time of publication of Section 9(i), notification depicted joint ownership of acquired Survey No.13/2 (0.81 H.R.) by petitioner and respondent Nos.5 and 6 respectively. As per 7/12 extract, the Survey No.13/2 is admeasuring 0.81 H.R. Out of this 0.81 H.R., the petitioner is also shown to be joint owner of aforesaid survey number along with respondent Nos.5 and 6. The respondent No.5 Shri. Amarsingh Gayaprasad Kevat is shown to be joint owner of acquired land to the extent of 1200 Sq. Ft. Whereas, respondent No.6 Dukhilal Gayaprasad Kevat also shown to be the joint owner of acquired land to the extent of 150 sq.ft. Accordingly,

compensation role was determined depicting joint ownership of acquired survey number of petitioner and respondent Nos.5 and 6. As the petitioner and respondent Nos.5 and 6 did not approach the answering respondents for execution of an agreement, the compensation of Rs.16,01,208/-against the acquired land was duly deposited in Special Tribunal, Nagpur on 25.06.2016.

5.2. The Special Tribunal has released the compensation in favour of petitioner and respondents No.5 and 6 to the extent of their share in the acquired land by itself. It is pertinent to note that on 26.11.2018, in Compensation Case No.44 of 2016, the Special Tribunal, Nagpur *vide* its order, separated the areas of petitioner and two other land holders namely; Dukhilal Gayaprasad Kevat and Amarsingh Gayaprasad Kevat, thereby releasing an amount of Rs.15,75,979.62 in favour of petitioner by issuing cheque No.289633 dated 30.11.2018 drawn on United Bank of India branch Nagpur.

5.3. As per the R and R Policy, 2012 adopted by respondents – W.C.L., in addition to compensation for the acquired land, the land owner is also entitled to employment or compensation in lieu of employment against the entire survey

number. It is an undisputed fact that the petitioner is the owner of Survey No.13/2, which is the land in question acquired by respondents – W.C.L. The petitioner has also received compensation for acquisition of the aforesaid land. On 13.02.2015, respondent Nos.1 to 4 through APO, Majri area issued a letter to petitioner for submitting his nomination form for getting the employment on the aforesaid Survey No.13/2.

5.4. In view of the aforesaid communication dated 13.02.2015, which is at record page No.64 (Annexure – I), the petitioner duly applied to respondents – W.C.L. for grant of employment *vide* application dated 27.08.2015. The aforesaid application is at record page No.68 (Annexure – L). However, even after the passage of almost eleven years now, the aforesaid employment is not yet granted to the petitioner. The reason for such non-grant of employment is the communication dated 26.05.2019, which is at record page No.82 (Annexure – S), whereby respondents – W.C.L. called upon the petitioner to produce a No Objection Certificate from the other joint owners of the aforesaid land, i.e. respondent Nos.5 and 6. Being aggrieved by such insistence of No Objection Certificate by respondent Nos.1 to 4, the petitioner has approached this Court by way of the present writ petition.

6. This Court, on 09.01.2024, issued notice to the respondents in the present writ petition. The respondents were duly served with the notice of this Court on 16.02.2024. In response to the notice issued by this Court, respondent Nos.1 to 4 duly appeared and filed their reply on 07.08.2024.

7. The respondents – W.C.L. have justified their action for insisting a No Objection Certificate from respondent Nos.5 and 6 for grant of employment to petitioner. A reliance is sought to be placed on the Standard Operating Procedure (SOP) dated 17.12.2016 issued by the Company Secretary for the land acquisition process and extension of R and R benefits, which is at record page No.157 (Annexure – R-1-1). The respondents have put forth their defence in paragraph Nos.4 and 5 of their written submissions, which are reproduced below:

“4. The answering Respondents submit that in addition to land compensation, the land owner is also entitled for employment or compensation in lieu of employment against entire survey number. It is submitted that one employment is provided against the acquisition of entire survey number of acquired land. The employment under R&R Policy 2012 of CIL or any other policy framed by the company cannot be provided to all the joint owners reflected in 7/12 extract. For giving an employment, the land holding is considered as individual and separate holding only if separate 7/12 extract is issued by the Revenue Authority for such holding in line with the provisions of Maharashtra Prevention of Fragmentation and Consolidation Act, 1947.

5. The answering Respondents categorically submit that it came across several such instances where fraudulent

documents have been executed just prior to section 9 notification to claim multiple employments against the single holding. In order to curb the said practice, the Functional Directors of respondent company formulated Standard Operating Procedure (SOP) on 17.12.2016 for extending R&R benefit to the beneficiary and SOP to that effect was circulated to all the areas of WCL on 17.02.2017. The copy of resolution passed on 17.12.2016 and communication dated 17.02.2017 along with SOP formulated by respondent company is collectively filed as ANNEXURE-R1-1 (Colly.). The answering Respondents submit that as per Clause (4) of SOP, the land holding is considered as individual and separate only if separate 7/12 Extract is issued by the revenue authority for such holding. Therefore, if the names of several land owners are depicted in 7/12 Extract, all those land holders are collectively entitled for one employment, which is provided against such one holding. Therefore, unless all the joint owners collectively nominate the person to provide employment or no objection for providing employment to the nominee, employment cannot be provided to anyone. In the present case, the Petitioner has not furnished the NOC from Respondents No.5 and 6 along with the affidavit to enable the answering Respondents to process the proposal for employment of the Petitioner. It is, therefore, in the interest of the Petitioner that he should submit NOC and affidavit from Respondent Nos.5 and 6 to enable the answering Respondents to take effective steps for providing employment to him subject to his eligibility. Under any circumstances, employment cannot be provided without submitting 'no objection' from all the joint owners whose names are reflected in 7/12 extract. Therefore, insistence of Petitioner to provide employment to him without submitting NOC from other co-owners cannot be entertained and the petition is liable to be dismissed as such."

8. Thus, a perusal of the aforesaid stand of respondent Nos.1 to 4 reveals that the main bone of contention is the a No Objection Certificate of respondent Nos.5 and 6 is mandatory in order to enable respondent Nos.1 to 4 to take effective steps for providing employment to the petitioner, subject to his eligibility. According to respondent Nos.1 to 4, they are bound by the

provisions of SOP, which provides that employment cannot be granted without obtaining a No Objection Certificate from all the joint owners whose names are reflected in the 7/12 extract.

9. After hearing the learned counsel for the parties, we are of the considered opinion that the action of respondent Nos.1 to 4 is in compliance with the SOP dated 17.12.2016 issued by the Company Secretary and thus, no fault can be found with the aforesaid action. However, the equities need to be balanced, more particularly in view of the fact that the petitioner is admittedly the owner of the land which was acquired by respondent Nos.1 to 4. The name of petitioner is duly reflected in the 7/12 extract of land Survey No.13/2 situated at Mouza Shivjinagar, Taluka Bhadrawati, which is at record page No.49 (Annexure – B). It is in view of the fact that the petitioner has been paid compensation to the extent of his share by the Special Tribunal, Nagpur in Compensation Case No.44 of 2016. It was respondent Nos.1 to 4 themselves who called upon the petitioner, by issuing communication dated 13.02.2015, to submit an application for grant of appointment in compliance of the R and R Policy, 2012. However, the aforesaid appointment has been kept in abeyance solely for the purpose of a No Objection Certificate of respondent Nos.5 and 6, who are the joint owners.

10. Pertinent here would be to note the conduct of respondent Nos.5 and 6 which also deserves consideration. Admittedly, respondent Nos.5 and 6 have never applied for grant of employment in pursuance of the aforesaid Survey No.13/2. Further, though respondent Nos.5 and 6 who were duly served in the present writ petition as far back as on 16.02.2024, they have neither appeared before this Court nor opposed the prayers sought by the petitioner. Thus, in our considered opinion, such conduct on the part of respondent Nos.5 and 6 in remaining absent before this Court in spite of due service of notice will have to be inferred as deemed no objection for grant of employment to the petitioner.

11. We are supported by the judgment of this Court in the case of Sau. Vanita W/o Bhaskar Vaidya vs. Western Coalfields Limited and Others in Writ Petition No.338 of 2021, wherein, in similar circumstances, this Court had drawn a similar inference in paragraph No.9 of the aforesaid judgment, which reads thus:

“9. The respondent no.4. who stated to have also approached to the WCL for employment, was served, but he remained absent. After death of respondent no.4 his legal heirs i.e. respondent no.4a and 4b have been incorporated and served but they chooses to remain absent. In the circumstances, logically we should take that they have conceded the petitioner's claim by remaining absent.”

12. We see no reason for adopting a different course other than the course adopted by this Court in Writ Petition No.338 of 2021 and, in our considered opinion, there is no impediment in falling in the line with the earlier view, more particularly in view of the fact that, in the case of Sau. Vanita W/o Bhaskar Vaidya (supra), respondent No.4 therein had also approached to the W.C.L. for employment. The case of the present petitioner is on much better footing as the respondent Nos.5 and 6 have not even applied to W.C.L. for grant of employment, much less appeared before this Court for raising objection for grant of employment to the petitioner.

13. In view of the above and for the reasons stated in the aforesaid paragraphs, we allow the present writ petition and pass the following order:

ORDER

- i) We hereby quash and set aside the impugned communication dated 26.05.2019 issued by respondents – W.C.L., thereby insisting upon the petitioner to bring a No Objection Certificate from the other joint owners, i.e. respondent Nos.5 and 6.

(ii) We direct respondent Nos.1 to 4 to provide an employment to the petitioner against the acquisition of land bearing Survey No.13/2 admeasuring 0.81 H.R., situated at Mouza Shivajinagar, Taluka Bhadrawati, which was acquired pursuant to the publication of the notification under Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, on 22.10.2011, subject to the eligibility on other count.

14. The present writ petition is disposed of in the aforesaid terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)