



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

WRIT PETITION NO. 4727 OF 2024

PETITIONERS

- : 1. Suresh Nanaji Vidhate, Aged 56 Years,
Occu: Agriculturist.
2. Anita Suresh Vidhate, Aged 46 Years,
Occu: Agriculturist.
3. Nikhil Suresh Vidhate, Aged 26 Years,
Occu: Agriculturist.
4. Nikita Suresh Vidhate, Aged 24 Years,
Occu: Agriculturist.
5. Mukesh Vilas Vidhate, Aged 34 Years,
Occu: Agriculturist.
6. Amol Vilas Vidhate, Aged 30 Years,
Occu: Agriculturist,
All R/o. Manoli (Buj), Post Kadholi,
Tah. Rajura, Distt. Chandrapur.
7. Yogeshwar Ramchandra Lode, Aged 41
Years, Occu: Agriculturist, R/o. Nimni,
Tah. Korpana, Dist. Chandrapur.

//VERSUS//

RESPONDENTS

- : 1. Western Coalfields Ltd., through its
Area General Manager, Ballarpur Area,
Dhoptala, Tah. Rajura, Distt.
Chandrapur.
2. Western Coalfields Ltd., through its
Area Planning Officer, Ballarpur Area,
Dhoptala, Tah. Rajura, Distt.
Chandrapur.

3. Sau. Bebitai Suresh Bodekar, Aged 54 Years, Occu: Housewife, R/o. Datta Nagar, Near Datta Mandir, Tukum, Tah. & Dist. Chandrapur.
4. Ramesh Bhaurao Ghage, Aged 46 Years, Occu: Business, R/o. Gadge Baba Chowk, Mahadeo Mandir Ward, Tah. & Dist. Chandrapur.

Ms. Aparna Jha, Advocate for the Petitioners.
Mr. Pushkar Ghare, Advocate for Respondent Nos.1 & 2.
Mr. Shriram D. Deoras, Advocate for Respondent Nos.3 & 4.

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

DATE : **18th APRIL, 2026.**

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

Heard Ms. Aparna Jha, learned counsel for the petitioners,
Mr. Pushkar Ghare, learned counsel for respondent Nos.1 and 2, and
Mr. Shriram D. Deoras, learned counsel for respondent Nos.3 and 4.

2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the parties.

3. The petitioners have approached this Court seeking challenge to the Communications dated 14th March, 2024 issued by respondent No.2, whereby the applications submitted by the petitioners seeking employment under the Rehabilitation and Resettlement Policy of Coal India Limited, 2012 (for short, “the Rehabilitation and Resettlement Policy”), have been rejected.

4. The brief facts leading to the filing of the present writ petition are as follows:

The petitioners are the co-owners of the various properties as mentioned in the memo of the petition, situated at Manoli, Tahshil Rajura, District Chandrapur (hereinafter referred to as “the aforesaid lands”). The aforesaid agricultural lands are owned by the petitioners as per the chart in paragraph 8 of the petition. The aforesaid lands were acquired by respondent Nos.1 and 2 for Dhuptala Open Cast Mine (Sasti UG to OC) of Western Coalfields Ltd. It is worth to mention here that the petitioners have also received the monetary compensation for the aforesaid acquisition.

5. The petitioners submitted the applications to respondent Nos.1 and 2 seeking employment under the Rehabilitation and Resettlement Policy. However, respondent Nos.1 and 2 rejected the said applications vide Communications dated 14th March, 2024, on the ground that respondent Nos.3 and 4 had filed Regular Civil Suit No.45/2021, and therefore the applications could not be considered until the said suit was decided.

6. Respondent Nos.3 and 4 filed the aforesaid suit on 25.10.2021 before the Civil Judge, Junior Division, Rajura, seeking partition and separate possession, declaration, and permanent injunction in respect of the aforesaid lands along with other ancestral properties. A copy of the plaint is at record page No.85 (Annexure-7).

7. Being aggrieved by the impugned Communications dated 14th March, 2024, the petitioners have approached this Court by filing the present writ petition.

8. Ms. Aparna Jha, learned counsel for the petitioners, submits that respondent Nos.1 and 2 were not at all justified in rejecting the petitioners' applications for employment under the Rehabilitation and Resettlement Policy solely on the ground that a civil dispute was pending at the instance of respondent Nos.3 and 4. She submits that respondent Nos.3 and 4 are bent upon stalling the process of granting employment to the petitioners and have raised such objections with that intention.

9. Ms. Aparna Jha, learned counsel for the petitioners, has further placed reliance on the judgment delivered by this Court on 27.04.2023 in the case of *Mirabai Namdeo Gaurkar and Another Vs. Western Coalfields Ltd. and Another [Writ Petition No. 1795/2021]*, which will be referred to at a later stage.

10. Mr. Pushkar Ghare, learned counsel appearing for respondent Nos.1 and 2, has supported the impugned Communications dated 14th March, 2024 issued by the respondent – Western Coalfields Limited. However, he fairly concedes that the issue involved in the present case is covered by the judgment of this Court in *Mirabai Namdeo Gaurkar and Another* (supra).

11. Mr. Shriram D. Deoras, learned counsel appearing for respondent Nos.3 and 4, has vehemently opposed the present writ petition. He submits that a civil dispute pertaining to the lands involved in the present writ petition is pending before the learned Civil Court in a suit filed by respondent Nos.3 and 4. He, therefore, contends that the respondents were justified in rejecting the petitioners' applications seeking employment on the ground that the same cannot be processed until the decision of the said civil suit.

12. We have heard the learned counsel for the parties and perused the record. The issue involved in the present writ petition is no more *res integra*, as in a similar set of circumstances, this Court, vide its judgment dated 27.04.2023 in the case of ***Mirabai Namdeo Gaurkar and Another*** (supra), has held that civil litigation may consume substantial time and accordingly directed Western Coalfields Limited to process the proposal and grant employment upon furnishing an appropriate undertaking. The relevant paragraphs of the aforesaid judgment read thus:

"5. We do not appreciate the attitude and approach of the WCL, and which we have noticed in matters more than one. It is an admitted position that as on the date of the issuance of the Notification under Section 9 of the Act, and which is the relevant date, the name of Mrs. Mirabai Gaurkar is recorded as the owner of the subject land and as a fact, WCL has paid the monetary compensation to Mrs. Mirabai Gaurkar. The Rehabilitation Policy entitles the land owner to, apart from the monetary compensation, employment. WCL, in our considered view, could

not have refused to consider the claim of Mrs. Mirabai Gaurkar on the specious ground that her title to the subject land is under cloud in view of the pendency of the Regular Civil Suit 172/2016.

6. *We have considered a similar situation in Writ Petition 1123/2022 and we may extract the relevant observations therein.*

"5. It is not in dispute that in the revenue record, names of petitioners 1 to 4 are shown as the owners of the agriculture land acquired, as on the date of the publication of Section 9 notification which is ordinarily treated as the relevant and cut off date by the acquiring body for the purpose of benefits under the Policy.

6. We see no reason why the nominees of the petitioners whose names are reflected in the revenue record as the owners of the land acquired, as on the date of the publication of Section 9 notification, should be denied employment only on the ground that there is a challenge to their title. The title dispute may take years and indeed decades. It would neither be in the interest of the petitioners nor WCL nor respondent 2 to keep the vacancy in limbo only on the ground of pendency of the title dispute.

7. We are conscious of the fact that if respondent 3 succeeds in the title dispute, he may as well lodge claim for employment. We therefore, sought an undertaking from the petitioners which is duly filed. We may extract the relevant portion of the said undertaking.

"2. It is submitted that the petitioners have already made prayer in the petition that the respondents 1 & 2 to accept the nomination form, affidavit and complete other formalities as per Rules for the purpose of employment to petitioners 4 to 7 subject to decision of this petition or subject to the final decision of aforementioned RCS no. 117/2015. The petitioners reserve their rights to avail/prefer statutory remedies as per law. The petitioners who are desirous of employment hereby reiterating and giving undertaking that their appointments can be made subject to final outcome of the aforesaid Regular Civil Suit. Other petitioners have no objection for the same. In the

event if it is held that the petitioners are not eligible or they have no share in the suit property or any other person are entitled for the employment in place of the present petitioners, in view of acquisition of land in question, in that event the petitioners shall waive their right of employment and will discontinue the employment upon final decision of aforesaid RCSNo. 117/2015 that may be reached to its finality as per law. The petitioners shall not claim any equity or, any permanency or a like service benefits if the petitioners are appointed provisionally subject to final decision of aforesaid RCS No. 117/2015 that may be reached to its finality as per law."

They further undertake to follow the directions and conditions which may be imposed by this Hon'ble Court. The petitioners are ready to abide by any condition as this Hon'ble Court may deem fit and proper, in the interest of justice.

8. In addition to the undertaking, we direct that if the civil court rejects the claim of the petitioners as the exclusive owners of the property or put it differently, acknowledges the title of the respondent 3 either as an absolute owner or as co-owner, the petitioners 5 to 7, who may be provided employment under the interim order, shall not claim any equity and shall leave the post on the day on which the verdict is pronounced."

13. In view of the above, we do not find any reason to not follow the similar course. Accordingly and for the reasons set out in the aforesaid judgment, we allow the petition in the following terms:

- i. We direct respondent Nos.1 and 2 to process the proposal of the petitioners and to issue appointment order, unless there is any other impediment. This exercise shall be carried out within eight weeks from today.

- ii. We clarify that the proposal shall not be rejected on the ground of pendency of civil suit.
 - iii. We further direct the petitioners to file an undertaking before respondent Nos.1 and 2 that the appointment shall be subject to final result in Civil Suit and in the event it is held that petitioners were not the owner of the aforesaid lands and/or some other persons are entitled to employment, the petitioners shall not claim any benefit on the principle of equity.
 - iv. The undertaking shall specify that the employment, which may be granted to the petitioners, shall be treated as provisional and contingent upon the outcome of pending civil suit.
 - v. The parties shall render necessary assistance to the Civil Court for expeditious disposal of the suit.
14. The writ petition is disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)