



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

WRIT PETITION NO. 2025 OF 2025

PETITIONER : Deorao S/o. Chindhuji Belkhode, Aged about 67 Years, Occupation : Agriculturist, R/o. Makardhokda, Tah. Umred, District – Nagpur.

//VERSUS//

RESPONDENTS : 1. Union of India, Ministry of Coal, “A” Wing, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi-110001, through its Secretary.

2. Western Coalfields Limited, A Company registered under the Companies Act, 1956, having its registered office at Coal Estate, Civil Lines, Nagpur-440001, through its Chairman-cum-Managing Director.

3. Area General Manager, Western Coalfields Limited, Umrer Area, Umred Project, Umred, Tah. Umred, District – Nagpur.

4. Keshav S/o. Shankar Belkhode, Aged about 49 Years, Occu. Service, R/o. Kawrapeth, Behind Reliance Mall, Umred, Tah. Umred, District – Nagpur.

Mr. Prashant Thakre, Advocate for the Petitioner.
Mr. C.J. Dhumane, Advocate for Respondent No.1.
Mr. C.S. Samudra, Advocate for Respondent Nos.2 & 3.
Mr. V.G. Bhamburkar, Advocate for Respondent No.4.

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

DATE : **17th APRIL, 2026.**

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

Heard Mr. Prashant Thakre, learned counsel for the petitioner, Mr. C.J. Dhumane, learned counsel for respondent No.1, Mr. C.S. Samudra, learned counsel for respondent Nos.2 and 3, and Mr. V.G. Bhamburkar, learned counsel for respondent No.4.

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

3. The petitioner has approached this Court seeking challenge to the Communication dated 17th March, 2025 issued by the Area Manager, Western Coalfields Limited, Umrer Area, whereby the application submitted by the petitioner seeking employment for his son, namely Avinash Deorao Belkhode, under the Rehabilitation and Resettlement Policy of Coal India Limited, 2012 (for short, “the Rehabilitation and Resettlement Policy”), has been rejected.

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

The petitioner is an agriculturist and holds joint family property at Makardhokda, comprising agricultural and residential

properties. The petitioner had filed Regular Civil Suit No.35/2013 before the learned Civil Judge, Junior Division, Umred, seeking partition and possession of the ancestral property against his brothers, namely Shankar Chindhuji Belkhode, Pandurang Chindhuji Belkhode, and Dilip Chindhuji Belkhode (now deceased), and his sister, Sau. Vimal Manohar Bajare. During the pendency of the said suit, the parties amicably settled the dispute and entered into a compromise regarding partition of the agricultural lands and house properties.

5. The learned Civil Judge, Junior Division, Nagpur, after verifying the contents of the joint application and the terms and conditions of the compromise, was pleased to pass a decree on 30.04.2024, which is at record page No.20 (Annexure-II).

6. As per the said compromise, the agricultural land bearing Gat No.571/3, admeasuring 1.08 H.R., situated at P.H. No.17, Mouza Markardhokda, fell to the share of the petitioner and his brother Pandurang. It was further agreed that since the said land had been acquired by Western Coalfields Limited, the entire monetary compensation in respect thereof would be paid to the petitioner's brother, Pandurang Chindhuji Belkhode. However, the benefit of employment under the Rehabilitation and Resettlement Policy, arising out of the acquisition of the said land, was to be extended to the petitioner's son, Avinash Deorao Belkhode.

7. In view of the aforesaid compromise decree, the petitioner submitted an application to respondent Nos.2 and 3 on 12.03.2025 seeking employment for his son under the Rehabilitation and Resettlement Policy.

8. However, respondent Nos.2 and 3 rejected the said application vide communication dated 17.03.2025, on the ground that respondent No.4 had filed Regular Civil Suit No.139/2024, and therefore the application could not be considered until the said suit was decided.

9. Respondent No.4 has filed the aforesaid suit on 10.10.2024 before the Civil Judge, Junior Division, Umred, alleging that the petitioner, along with his brothers and sister, colluded to obtain the compromise decree dated 30.04.2024 in R.C.S. No.35/2013. Respondent No.4 has contended that he, along with one Vitthal, being the sons of Shankar Chindhuji Belkhode, has a share in the ancestral properties of his father. He has further contended that the said compromise decree is not binding upon him and has accordingly sought a declaration to that effect.

10. Being aggrieved by the impugned Communication dated 17.03.2025, the petitioner has approached this Court by filing the present writ petition.

11. Mr. Thakre, learned counsel for the petitioner, submits that respondent Nos.2 and 3 were not at all justified in rejecting the petitioner's claim for appointment of his son under the Rehabilitation and Resettlement Policy solely on the ground that a civil dispute was pending at the instance of respondent No.4. He submits that respondent No.4 is bent upon stalling the process of granting employment to the petitioner's son and has raised such objections with that intention.

12. Mr. Thakre, learned counsel for the petitioner, 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.

13. Mr. Samudra, learned counsel appearing for respondent Nos.2 and 3, has supported the impugned Communication dated 17.03.2025 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).

14. Mr. V.G. Bhamburkar, learned counsel appearing for respondent No.4, has vehemently opposed the present writ petition. He

submits that a civil dispute pertaining to the land involved in the present writ petition is pending before the learned Civil Court in a suit filed by respondent No.4. He therefore contends that the respondents were justified in rejecting the petitioner's application seeking employment for his son on the ground that the same cannot be processed until the decision of the said civil suit.

15. We have heard the learned counsel for the parties and perused the record. A perusal of the written statement dated 20.02.2025, filed by Mr. Shankar C. Belkhode, father of respondent No. 4, in Regular Civil Suit No.139/2024, reveals that he has admitted the case of the petitioner. The relevant portion of the said written statement, which is at record page No.59 (Annexure-VII), reads thus:

"24. The father of defendant No. 1 namely Chindhuji has married Subhadrabai and from the said marriage he has begotton 4 sons namely Deorao, Shankar, Pandurang, Dilip and one Daughter namely Vimal. This defendant has married one baby and out of the said wedlock he has got plaintiff as their child and after the death of first wife defendant No. 1 has married with one Malu and out of the said Wedlock he is having 2 sons namely Vitthal and Yuvraj. Yuvraj has predeceased and his wife Ruchita is residing separately at her matrimonial house.

25. At the time demise of first wife of defendant No. 1 the plaintiff was 4 years old and his entire well being looked by the defendant. The defendant No. 1 was owner of field Gat No. 8/1, Area 1.08 H.R. Jama Rs. 2.30 situated Mouza Katara, Tah. Umred, Dist. Nagpur which was sold by defendant No. 1 to Bhupati Lingayat and the entire consideration of Rs. 1,40,000/- was received by plaintiff. As such the plaintiff has relinquished his

share in the suit property by virtue of relinquishment deed dated 02/06/2003 in presence of 3 witnesses namely Dhanraj Zade, Prabhu Shinde, Domaji Mandare as such the plaintiff is having no share in the suit property as he is already taken the sale consideration from the defendant No. 1 after receiving the sale consideration. The plaintiff has never since then from the year 2003 has contacted the defendant No. 1. Only because the defendant No. 9 is going to acquire agricultural land in future the plaintiff has filed this suit out of grief. The plaintiff has never since 2003 has looked into the well being of his father.”

16. Further, 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."

17. 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 to 3 to process the proposal of petitioner's son namely Avinash Deorao Belkhode 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 petitioner to file an undertaking before respondent Nos.1 to 3 that the appointment shall be subject to final result in Civil Suit and in the event it is held that petitioner was not the owner of the said land and/or some other persons are entitled to employment, the petitioner shall not claim any benefit on the principle of equity.
- iv. The undertaking shall specify that the employment, which may be granted to the petitioner's son, 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.

18. The writ petition is disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)