



Judgment

55 fa524.21 & connected appeals and wps

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

FIRST APPEAL NO.524 OF 2021

Ranjana Madhaorao Thaware,
aged 40 years, occupation :service,
r/o flat No.28/29, Sonal Apartment, Trimurti
Nagar, behind Bhange Lawn, Nagpur. **Appellant.**

:: VERSUS ::

1. Madhaorao Mahadeo Thaware,
aged 75 years, occupation : agriculturist,
r/o at Saholi, post Tamaswadi,
tahsil Parseoni, district Nagpur.

2. Lilabai Madhaorao Thaware,
aged 68 years, occupation : NIL,
r/o at Saholi, post Tamaswadi,
tahsil Parseoni, district Nagpur.

3. Pramod Madhaorao Thaware,
aged 48 years, occupation :.....,
r/o at Saholi, post Tamaswadi,
tahsil Parseoni, district Nagpur.

4. Vandana Sudhir Meshram,
aged 43 years, occupation : housewife,
r/o at Saholi, post Tamaswadi,
tahsil Parseoni, district Nagpur.

5. Govind Madhaorao Thaware,
aged 35 years, occupation : business,
r/o at Saholi, post Tamaswadi,
tahsil Parseoni, district Nagpur.

6. Priyanka Manoj Thaware,
age 32 years, occupation housewife,
r/o c/o Vijayanand Deshbhratar,
Tekadi, post : Gondegaon, tahsil
Parseoni, district Nagpur.

7. Western Coalfields Ltd.,
Sub Area Manager, Singhori Project,

.....2/-

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through Senior Manager, Mining,
Chankapur, post Sillewara Project,
tahsil Saoner, district Nagpur.

8. The Dy.Area Manager,
Superintendent of Mines, Singhori
Project, Nagpur Area, WCVL,
Sillewara Mines, tahsil Saoner, district
Nagpur. **Respondents.**

=====
Shri N.B.Bargat, Counsel for the Appellant.
Shri G.M.Bagade, Counsel for Respondent Nos.1 to 5.
Shri S.C.Mehadia, Counsel for Respondent No.6.
Shri C.S.Samudre, Counsel for the WCL.
=====

FIRST APPEAL NO.46 OF 2022

Deputy Area Manager,
Superintend of Mines,
Singhori Project, Nagpur Area,
Western Coalfields Limited,
Sillewara Mines, tahsil Saoner,
district Nagpur. **Appellant.**

:: VERSUS ::

1. Shri Madhaorao s/o Mahadeo
Thaware, aged 73 years,
occupation retired.

2. Sau.Leelabai w/o Madhaorao
Thaware, aged 65 years,
occupation household.

3. Shri Pramod s/o Madhaorao
Thaware, aged 42 years,
occupation – private.

4. Sau.Vandana w/o Sudhir
Meshram, aged 50 years,
occupation – housewife,
resident of No.N/34, Housing
Board Kajghar Colony,
Jabalpur.

.....3/-

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5. Shri Govind s/o Madhaorao Thaware, aged 32 years, occupation – private. (No.1 to 3 & 5 all are resident of at Saholi, tahsil Parseoni, district Nagpur.).

6. Smt.Priyanka wd/o Manoj Thaware, aged about 27 years, occupation NIL, resident of Tekadi, post Gondegaon, tahsil Parseoni, district Nagpur. (Ori.NA No.1 on R.A.)

7. Ku.Ranjana Madhaorao Thaware, resident of flat No.28/29, Sonal Apartment, Trimurti Nagar, behind Bhange Lawn, Nagpur. (Ori NA No.3 on RA).

..... **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Appellant/WCL.
Shri G.M.Bagade, Counsel for Respondent Nos.1 to 5.
Shri S.C.Mehadia, Counsel for Respondent No.6.
Shri N.B.Bargat, Counsel for Respondent No.7.

=====

FIRST APPEAL NO.203 OF 2022

Area General Manager,
Western Coalfields Limited, Wani Area,
Urjagram, Tadali, PO Tadali,
tahsil and district Chandrapur. **Appellant.**

:: VERSUS ::

1. Dilip s/o Bhaurao Rajurkar,
major, at post Kodshi (Bk.),
tahsil Korpana,
district Chandrapur.

2. Sau.Shilabai Pundlik Agalawe,
major, r/o Sangoda,

.....4/-

Judgment

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post Antargaon, tahsil Korpana,
district Chandrapur.

3. Pandhari s/o Kashinath Aglave,
major, r/o wad No.6,
Biram Baba Nagar, Ghugus,
tahsil and district Chandrapur.

LRs of R-3

3-A. Sunanda Prakash Tonge,
(d/o Pandhari Kashinath Aglave)
aged 55 years, occupation : housewife,
r/o B-140, WCL Shakti Nagar,
Durgapur, Tatoba Road, Chandrapur.

3-B. Maya Vijay Mohitkar,
(d/o Pandhari Kashinath Aglave)
aged 53 years, occupation : housewife,
r/o Qr.No.MQ-69, Bhalar Road,
At Sundar Nagar, PO Punvat, tahsil Wani,
Taroda, Yavatmal.

3-C Vasundhara Madhukar Bhongle,
(d/o Pandhari Kashinath Aglave)
aged 51 years, occupation : housewife,
r/o Indira Nagar, ward No.4,
Qr.No.192, at post Ghugus,
tahsil & district Chandrapur.

3-D Vandana Vilas Jungari,
(d/o Pandhari Kashinath Aglave)
aged 49 years, occupation : housewife,
r/o Jayrambaba Nagar, ward No.6,
opposite Hanuman Mandir, post Ghugus,
Mhatardevi, Chandrapur,
district Chandrapur.

3-E Sangita Gurudatta Datarkar,
(d/o Pandhari Kashinath Aglave)
aged 47 years, occupation : housewife,
r/o c/o Aglave Guruji, Bahiram Baba
Nagar, ward No.6, at post Ghugus

.....5/-

Judgment

55 fa524.21 & connected appeals and wps

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Mhatardevi, Chandrapur,
district Chandrapur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Appellant/WCL.
Shri T.D.Mandlekar, Counsel for Respondent Nos.1 and 2.
Shri A.A.Dhawas, Counsel for LR's of Respondent No.3.
=====

FIRST APPEAL NO.204 OF 2022

Area General Manager,
Western Coalfields Limited,
Wani Area, Urjagram,
Tadali, PO Tadali,
tahsil and district Chandrapur. **Appellant.**

:: VERSUS ::

1. Mangesh s/o Pundlik Agalawe,
major, at Sangola, post Antargaon,
taluka Korpana,
district Chandrapur.

2. Pandhari s/o Kashinath Aglave,
major, r/o wad No.6,
Biram Baba Nagar, Ghugus,
tahsil and district Chandrapur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Appellant/WCL.
Shri T.D.Mandlekar, Counsel for Respondent No.1.
Shri A.A.Dhawas, Counsel for Respondent No.2.
=====

FIRST APPEAL NO.205 OF 2022

Area General Manager,
Western Coalfields Limited,
Wani Area, at Urjagram,
Tadali, PO Tadali,
taluka and district
Chandrapur. **Appellant.**

:: VERSUS ::

1. Ramesh Anandrao
Bobade,
aged about major.

.....6/-

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2. Gayabai w/o Anandrao
Bobade,
aged about major,
both 1 and 2 r/o at
Gadchandur,
post Gadchandur,
taluka Korpana,
district Chandrapur.

3. Sanjivani Kamlakar More,
aged about major, at 16/4
D-1, Sanchar Vihar Colony,
91, Civil Lines, Nagpur,
taluka and district Nagpur.

4. Bhagwan Jagannath
Malekar, (dead) through
legal representative.

4A. Suresh s/o Bhagwan
Malekar,
aged about 60 years,
occupation cultivation.

4B. Ramakant s/o Bhagwan
Malekar,
aged about 56 years,
occupation cultivation.

4C. Dilip s/o Bhagwan Malekar,
aged about 50 years,
occupation cultivation,
Res.No.4A to 4C,
r/o Kodshi (Buj),
taluka Korpana,
district Chandrapur.

4D. Sau.Mangala w/o Babarao
Aglawe,
aged 64 years,
occupation household,
r/o Krushinagar, Warora,

.....7/-

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taluka Warora,
district Chandrapur.

4E. Sau.Kumud w/o Shyam
Bhoyar,
aged 62 years,
occupation household,
r/o Dehpande Wadi,
Rajura, taluka Rajura,
district Chandrapur.

4F. Sau.Jyoti w/o Pramodrao
Rajurkar,
aged 53 years,
occupation household,
r/o New Dudhedar Layout,
plot No.25, Nagpur.
taluka and district Nagpur.

..... **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Appellant/WCL.
Shri Umakant Sapkal, Counsel for Respondent Nos.1 to 3.
Shri A.A.Dhawas, Counsel for Respondent Nos.4A to 4C.
Shri A.D.Ramteke, Counsel for Respondent No.4D to 4F.

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WRIT PETITION NO.3430 OF 2021

Pandhari s/o Kashinath Aglave,
aged 79 years, occupation agriculturist,
r/o ward No.6, Bairam Baba Nagar,
Ghugus, tahsil and district Chandrapur.

LRs

1-A. Sunanda Prakash Tonge,
(d/o Pandhari Kashinath Aglave)
aged 56 years, occupation : housewife,
r/o B-140, WCL Shakti Nagar,
Durgapur, Tatoba Road, Chandrapur.

1-B. Maya Vijay Mohitkar,
(d/o Pandhari Kashinath Aglave)
aged 53 years, occupation : housewife,
r/o Qr.No.MQ-69, Bhalar Road,
At Sundar Nagar, PO Punvat, tahsil Wani,

.....8/-

Judgment

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Wani, Taroda, Yavatmal.

1-C Vasundhara Madhukar Bhongle,
(d/o Pandhari Kashinath Aglave)
aged 49 years, occupation : housewife,
r/o Indira Nagar, ward No.4,
Qr.No.192, at post Ghugus,
tahsil & district Chandrapur.

1-D Vandana Vilas Jungari,
(d/o Pandhari Kashinath Aglave)
aged 48 years, occupation : housewife,
r/o Jayrambaba Nagar, ward No.6,
opposite Hanuman Mandir, post Ghugus,
Mhatardevi, Chandrapur,
district Chandrapur.

1-E Sangita Gurudatta Datarkar,
(d/o Pandhari Kashinath Aglave)
aged 45 years, occupation : housewife,
r/o c/o Aglave Guruji, Bahiram Baba
Nagar, ward No.6, at post Ghugus
Mhatardevi, Chandrapur.

..... **Petitioners.**

:: VERSUS ::

1. Area General Manager,
Western Coalfields Ltd., Wani Area,
at Urja Gram, tadali, PO Tadali,
tahsil and district Chandrapur.

2. Dilip Bhaurao Rajurkar,
aged 38 years, occupation service,
r/o at post Kodshi (Bk), tahsil
Korpana, district Chandrapur.

3. Sau.Shilabai Pundlik Aglave,
aged 46 years, occupation household,
r/o Sangoda, post Antargaon, tahsil
Korpana, district Chandrapur.

4. The Special Tribunal Constituted
U/s 14(2) Coal Bearing Areas (A
& D) Act, 1957, through its

.....9/-

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Presiding Officer, Indora Complex,
Room No.108, Kalpana Nagar,
Near Power Grids, Nari Road,
Nagpur-440 026. (Maharashtra). **Respondents.**

=====

Shri A.A.Dhawas, Counsel for the Petitioners.
Shri C.S.Samudre, Counsel for Respondent No.1/WCL.
Shri T.D.Mandlekar, Counsel for Respondent Nos.2 & 3.

=====

WRIT PETITION NO.3432 OF 2021

Pandhari s/o Kashinath Aglave,
aged 79 years, occupation agriculturist,
r/o ward No.6, Biram Baba Nagar,
Ghugus, tahsil and district Chandrapur.

LRs

1-A. Sunanda Prakash Tonge,
(d/o Pandhari Kashinath Aglave)
aged 56 years, occupation : housewife,
r/o B-140, WCL Shakti Nagar,
Durgapur, Tatoba Road, Chandrapur.

1-B. Maya Vijay Mohitkar,
(d/o Pandhari Kashinath Aglave)
aged 53 years, occupation : housewife,
r/o Qr.No.MQ-69, Bhalar Road,
At Sundar Nagar, PO Punvat, tahsil Wani,
Taroda, Yavatmal.

1-C Vasundhara Madhukar Bhongle,
(d/o Pandhari Kashinath Aglave)
aged 49 years, occupation : housewife,
r/o Indira Nagar, ward No.4,
Qr.No.192, at post Ghugus,
tahsil & district Chandrapur.

1-D Vandana Vilas Jungari,
(d/o Pandhari Kashinath Aglave)
aged 48 years, occupation : housewife,
r/o Jayrambaba Nagar, ward No.6,
opposite Hanuman Mandir, post Ghugus,
Mhatardevi, Chandrapur,

.....10/-

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district Chandrapur.

1-E Sangita Gurudatta Datarkar,
(d/o Pandhari Kashinath Aglave)
aged 45 years, occupation : housewife,
r/o c/o Aglave Guruji, Bahiram Baba
Nagar, ward No.6, at post Ghugus
Mhatardevi, Chandrapur.

..... **Petitioners.**

:: V E R S U S ::

1. Area General Manager,
Western Coalfields Ltd., Wani Area,
at Urja Gram, tadali, PO Tadali,
tahsil and district Chandrapur.

2. Mangesh s/o Pundlik Agalawe,
aged 33 years, occupation:
r/o Sangoda, post Antargaon,
tahsil Korpana, district Chandrapur.

3. The Special Tribunal Constituted
U/s 14(2) Coal Bearing Areas (A
& D) Act, 1957, through its
Presiding Officer, Indora Complex,
Room No.108, Kalpana Nagar,
Near Power Grids, Nari Road,
Nagpur-440 026. (Maharashtra). **Respondents.**

=====

Shri A.A.Dhawas, Counsel for the Petitioners.

Shri C.S.Samudre, Counsel for Respondent No.1/WCL.

Shri T.D.Mandlekar, Counsel for Respondent Nos.2.

=====

WRIT PETITION NO.3499 OF 2021

Western Coalfields Limited,
through Area Planning Officer,
Majri Area,
tahsil Warora,
district Chandrapur.

..... **Petitioner.**

:: V E R S U S ::

1. Mahadeo Sadashiv Chaudhari,
aged years, occupation,
r/o village Wanoja, tahsil Warora,

.....11/-

Judgment

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district Chandrapur.

2. Bandu Mahadeo Chaudhari,
aged 56 years, occupation :,
r/o Ekona, tahsil Warora,
district Chandrapur.

..... **Respondents.**

=====

Shri S.P.Dharmadhikari, Senior Counsel with Shri Rohan Chandurkar, Counsel for the Petitioner/WCL.

Shri T.M.Shende, Counsel for Respondent No.1.

Ms Kirti Satpute, Counsel for Respondent No.2.

=====

WRIT PETITION NO.3500 OF 2021

Chief General Manager,
Western Coalfields Limited,
Majri Area (Kuchana),
tahsil Bhadrawati,
district Chandrapur.

..... **Petitioner.**

:: VERSUS ::

1. Shri Ganesh s/o Hemraj Pijdurkar,
aged 35 years, occupation agriculturist,
r/o Ekona, tahsil Warora,
district Chandrapur.

2. Secretary, Bhudan Yagnya Mandal,
Collectorate Building, Nagpur.

3. Shri Jagdish Babarao Salve,
aged major, occupation not known,
r/o Dahegaon, tahsil Warora,
district Chandrapur.

..... **Respondents.**

=====

Shri S.P.Dharmadhikari, Senior Counsel with Shri Rohan Chandurkar, Counsel for the Petitioner/WCL.

Shri M.B.Turankar, Counsel for Respondent No.1.

=====

WRIT PETITION NO.3501 OF 2021

Chief General Manager,
Western Coalfields Limited,
Majri Area at Kuchana,

.....12/-

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tahsil Bhadrawati,
district Chandrapur. Petitioner.

:: V E R S U S ::

1. Kishor Chintaman Bodhe,
aged years, occupation,
r/o 83, Yekona, tahsil Warora,
district Chandrapur.

2. Baliram Khushal Bodhe,
aged years, occupation labour,
r/o Ekona, tahsil Warora,
district Chandrapur. Respondents.

=====
Shri S.P.Dharmadhikari, Senior Counsel with Shri Rohan
Chandurkar, Counsel for the Petitioner/WCL.
Shri T.M.Shende, Counsel for Respondent No.1.
Ms Kirti Satpute, Counsel for Respondent No.2.
=====

WRIT PETITION NO.3502 OF 2021

Chief General Manager,
Western Coalfields Limited,
Majri Area at Kuchana,
tahsil Bhadrawati,
district Chandrapur. Petitioner.

:: V E R S U S ::

1. Khushal Chintaman Bodhe,
aged years, occupation,
r/o 83 Yekona, tahsil Warora,
district Chandrapur.

2. Baliram Khushal Bodhe,
aged years, occupation labour,
r/o Ekona, tahsil Warora,
district Chandrapur. Respondents.

=====
Shri S.P.Dharmadhikari, Senior Counsel with Shri Rohan
Chandurkar, Counsel for the Petitioner/WCL.
Shri T.M.Shende, Counsel for Respondent No.1.
Ms Kirti Satpute, Counsel for Respondent No.2.
=====

.....13/-

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WRIT PETITION NO.5227 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur. **Petitioner.**

:: V E R S U S ::

1. Shri Nilkanth Namdeo
Mandaokar.
2. Shri Asok Namdeo Mandaokar.
3. Shri Mukunda Namdeo
Mandaokar.
4. Shri Prashant Namdeo
Mandaokar.
5. Smt.Janku w/o Namdeo
Mandaokar.
6. Smt.Panchshila Moreshwar
Dange.
7. Haunsa Dilip Chahande.

All major, occupation of all
non-applicants : agriculture/
private.

All resident of mouza Kanwha,
post Shirpur, tahsil Umred,
district Nagpur.

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri R.M.Sharma, Counsel for Respondent No.1.
=====

WRIT PETITION NO.5228 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur. **Petitioner.**

.....14/-

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:: V E R S U S ::

1. Shri Shamrao Kisna Bhusari,
Sudhakar Shamrao Bhusari,
(dead) through legal
representatives

(a) Hiranman Sudhakar Bhusari,
(B) Sadashiv Sudhakar Bhusari,
(C) Shalini Ganesh Mahakalkar,
(D) Kalawti Sudhakar Bhusari,
(before marriage)
Kalawati Kailash Lende
(after marriage)
(E) Nalini Sudhakar Bhusari (BM)
Nalini Ganesh (AM)

2. Shankar Shamrao Bhusari.

3. Shriram Shamrao Bhusari.

4. Sarja Laxman Zade,
(dead through legal heirs)

4-A Moreshwar Laxman Zade.

4-B Sunita Keshav Chute.

All r/o Shirpur, taluka Umred,
district Nagpur.

5. Smt.Tulsa Tukaram Samarth,
r/o Mouza Shirpur,
post Shirpur, tahsil Umrer,
district Nagpur.

..... **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri O.D.Kakade, Counsel for Respondent Nos.1-A, B and R-3.
=====

WRIT PETITION NO.5229 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project

.....15/-

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and Planning Umred Area,
district Nagpur.

..... Petitioner.

:: V E R S U S ::

1. Baban Laxman Varghane,
aged 64 years,
occupation agriculturist.

2. Shantaram Laxman Varghane,
aged 60 years,
occupation : agriculturist,
Nos.1 & 2 resident of
Pirawa, tahsil Bhiwapur,
district Nagpur.

~~3. Deorao Laxman Varghane,
aged 54 years,
occupation : agriculturist,
resident of c/o house of Shri
Pawar, behind Renuka Mahila
Shishu Mandir, Raghuji Nagar,
Nagpur, tahsil and district
Nagpur.~~

(Amended)

Deorao Laxman Varghane,
aged 54 years, occupation : agriculturist,
r/o plot No.154, Akash Nagar,
Near Samrat Gym, Manewada,
Nagpur-440 034.

4. Smt.Tulsabai Rangrao Balpande,
aged 61 years, occupation household,
resident of Mangrud,
tahsil Bhiwapur, district Nagpur.

..... Respondents.

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri H.N.Bhondge, Counsel for Respondent No.4.

=====

WRIT PETITION NO.5230 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,

.....16/-

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district Nagpur. **Petitioner.**

:: V E R S U S ::

1. Smt.Tulsabai Rangrao Balpande,
aged 61 years, occupation household,
resident of Mangrud,
tahsil Bhiwapur, district Nagpur.

2. Baban Laxman Varghane,
aged 64 years,
occupation agriculturist.

3. Shantaram Laxman Varghane,
aged 60 years,
occupation : agriculturist,
Nos.2 & 3 resident of
Pirawa, tahsil Bhiwapur,
district Nagpur.

~~4. Deorao Laxman Varghane,
aged 54 years,
occupation : agriculturist,
resident of c/o house of Shri
Pawar, behind Renuka Mahila
Shishu Mandir, Raghuji Nagar,
Nagpur, tahsil and district
Nagpur.~~

(Amended)

Deorao Laxman Varghane,
aged 54 years, occupation : agriculturist,
r/o plot No.154, Akash Nagar,
Near Samrat Gym, Manewada,
Nagpur-440 034.

.... **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.

Shri H.N.Bhondge, Counsel for Respondent No.1.
=====

WRIT PETITION NO.5231 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur.

.... **Petitioner.**

.....17/-

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:: **VERSUS** ::

1. Smt.Chandrabhaga Nilkanth
Bankar,
aged major, occupation private.

2. Smt.Bebi Tukaram Waghmare,
aged major, occupation private.

3. Sundar Keshav Meharkure.
aged major, occupation private.
All resident of mouza Sukli,
post Besur, tahsil Bhiwapur,
district Nagpur. **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.

=====

WRIT PETITION NO.5232 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur. **Petitioner.**

:: **VERSUS** ::

1. Baban Laxman Varghane,
aged 64 years,
occupation agriculturist.

2. Shantaram Laxman Varghane,
aged 60 years,
occupation : agriculturist,
Nos.1 & 2 resident of
Pirawa, tahsil Bhiwapur,
district Nagpur.

3. ~~Deorao Laxman Varghane,~~
~~aged 54 years,~~
~~occupation : agriculturist,~~
~~resident of c/o house of Shri~~
~~Pawar, behind Renuka Mahila~~
~~Shishu Mandir, Raghuji Nagar,~~
~~Nagpur, tahsil and district~~
~~Nagpur.~~

.....18/-

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(Amended)
Deorao Laxman Varghane,
aged 54 years, occupation : agriculturist,
r/o plot No.154, Akash Nagar,
Near Samrat Gym, Manewada,
Nagpur-440 034.

4. Smt.Tulsabai Rangrao Balpande,
aged 61 years, occupation household,
resident of Mangrud,
tahsil Bhiwapur, district Nagpur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri H.N.Bhondge, Counsel for Respondent No.4.

WRIT PETITION NO.5233 OF 2021

The Area General Manager,
Western Coalfields Limited,
Umrer Area, PO Umrer Project,
district Nagpur – 441 204. **Petitioner.**

:: V E R S U S ::

Prabhakar Sitaram Urkude,
aged adult, occupation agriculturist,
r/o at post Makardhokra,
tahsil Umrer, district Nagpur 441 203. **Respondent.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.

WRIT PETITION NO.5234 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur. **Petitioner.**

:: V E R S U S ::

1. Shri Shamrao Kisna Bhusari,
Sudhakar Shamrao Bhusari,
(dead) through legal
representatives
(A) Hiranman Sudhakar Bhusari,

.....19/-

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(B) Sadashiv Sudhakar Bhusari,

(C) Shalini Ganesh Mahakalkar,

(D) Kalawti Sudhakar Bhusari
(before marriage)
Kalawati Kailash Lende
(after marriage)

(E) Nalini Sudhakar Bhusari (B.M.)
Nalini Ganesh (A.M.)

(F) Laxmi Sudhakar Bhusari.

2. Shankar Shamrao Bhusari.

3. Shriram Shamrao Bhusari.

4. Sarja Laxman Zade
(dead through legal heirs)

4-A Moreshwar Laxman Zade

4-B Sunita Keshav Chute
All r/o Shirpur, taluka Umred,
district Nagpur.

5. Smt.Tulsa Tukaram Samarth,
r/o Mouza-Shirpur,
post Shirpur, tahsil Umrer,
district Nagpur.

..... **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.

=====

WRIT PETITION NO.5235 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur.

..... **Petitioner.**

:: VERSUS ::

1. Shri Shamrao Kisna Bhusari,

.....20/-

Judgment

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Sudhakar Shamrao Bhusari,
(dead) through legal
representatives

(A) Hiranman Sudhakar Bhusari.

(B) Sadashiv Sudhakar Bhusari.

(C) Shalini Ganesh Mahakalkar.

(D) Kalawati Sudhakar Bhusari
(before marriage)
Kalawati Kailash Lende
(after marriage)

(E) Nalini Sudhakar Bhusari (before marriage)
Nalini Ganesh (after marriage)

(F) Laxmibai Sudhakar Bhusari.

2. Shankar Shamrao Bhusari.
aged about major.

3. Shriram Shamrao Bhusari.
aged about major.

4. Sarja Laxman Zade
(dead through legal heirs)

4-A Moreshwar Laxman Zade.
aged about major.

4-B Sunita Keshav Chute
aged about major.

All r/o Shirpur, taluka Umred,
district Nagpur.

5. Smt.Tulsa Tukaram Samarth,
aged about major.
r/o Mouza-Shirpur,
post Shirpur, tahsil Umrer,
district Nagpur.

..... **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
=====

.....21/-

Judgment

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WRIT PETITION NO.5236 OF 2021

Area Manager,
Western Coalfields Limited,
Wani Area,
Urjagram, tadali, tahsil Chandrapur,
district Chandrapur. **Petitioner.**

:: VERSUS ::

1. Sau.Suman Sudhakar Patil,
aged major,
r/o Waghoba Chowk, Tukum,
Chandrapur.
Tahsil and district Chandrapur.

2. Sau.Tarabai Dadaji Tekam,
aged about 65 years,
occupation household,
r/o Belsani,
tahsil and district Chandrapur.

3. Sau.Girija Yadav Tekam,
aged about 60 years,
occupation household,
r/o Babu Peth, ward No.1,
tahsil and district Chandrapur.

4. Sau.Powra Madhukar Tekam,
aged about 58 years,
occupation household,
r/o Mohada, post Velabai,
tahsil Wani, district Yavatmal.

5. Smt.Gaura Maroti Tekam,
aged about 55 years,
occupation household,
r/o Nandgaon (Surve),
tahsil Korpana,
district Chandrapur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri M.B.Turankar, Counsel for Respondent Nos.2 to 5.
=====

.....22/-

Judgment

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WRIT PETITION NO.5237 OF 2021

Area Manager,
Western Coalfields Limited,
Umrer Area, PS Umrer Project,
district Nagpur – 441 204. **Petitioner.**

:: V E R S U S ::

1. Dilip Namdeo Giradkar,
aged about major,
resident of mouze – Sukli,
tahsil Umrer, district Nagpur.
(deleted vide order dated
7.2.2021 on Exh.1).

2. Hivraj Natthuji Lanjewar,
aged about major,
resident of Gangapur, Umred,
tahsil Umred, district Nagpur.

3. Sandip Natthuji Lanjewar,
aged about major,
resident of Gangapur, Umred,
tahsil Umred, district Nagpur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
=====

WRIT PETITION NO.5238 OF 2021

Western Coalfields Limited,
Umrer Area, PS Umrer Project,
district Nagpur – 441 204. **Petitioner.**

:: V E R S U S ::

1. Sau.Usha Omprakash Gadge,
resident of Vaigaon (Ghoturli),
tahsil Umrer, district Nagpur.

2. Rangrao Bhima Wakade,
resident of Hevti, post Udasa,
tahsil Umred, district Nagpur.

3. Sau.Baby w/o Rangrao
Wakade.

.....23/-

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4. Nitesh s/o Rangrao Wakade.

5. Ku.Manisha d/o Rangrao
Wakade.

6. Nilesh s/o Rangrao Wakade.

Respondent Nos.3 to 6,
c/o Ravi Shridhar Bhoyar,
Taj Nagar, ring road,
Mankapur, Nagpur.

..... **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri P.Chandrakapure, Counsel for Respondent No.3.

=====

WRIT PETITION NO.5239 OF 2021

Western Coalfields Ltd.,
through its Manager (Mining) Project
and Planning Umred Area,
district Nagpur.

..... **Petitoiner.**

:: VERSUS ::

1. Shri Nilkanth Namdeo
Mandaokar.

2. Shri Asok Namdeo Mandaokar.

3. Shri Mukunda Namdeo
Mandaokar.

4. Shri Prashant Namdeo
Mandaokar.

5. Smt.Janku w/o Namdeo
Mandaokar.

6. Smt.Panchshila Moreshwar
Dange.

7. Haunsa Dilip Chahande.

.....24/-

Judgment

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All major, occupation of all
non-applicants agriculture/
private.

All resident of mouza Kanwha,
post Shirpur, tahsil Umred,
district Nagpur. **Respondents.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri R.M.Sharma, Counsel for Respondent No.1.
=====

WRIT PETITION NO.5079 OF 2022

Western Coalfields Limited,
A subsidiary of Coal India Limited,
a Central Government Undertaking,
through its Area General Manager,
Wani Area,
district Chandrapur. **Petitioner.**

:: VERSUS ::

Vaishali Natthuji Salve,
aged adult,
r/o Bamani,
taluka Ballarpur,
district Chandrapur. **Respondent.**

=====
Shri C.S.Samudre, Counsel for the Petitioner/WCL.
=====

WRIT PETITION NO.5080 OF 2022

Area General Manager,
Western Coalfields Limited,
Nagpur Area, Nagpur,
district Nagpur. **Petitioner.**

:: VERSUS ::

1. Sheshrao Sampat Parteki,
aged adult, occupation agriculturist,
r/o Kotodi, post Malegaon,
tahsil Saoner, district Nagpur.

2. Chintaman Bapurao Lamse,
aged adult, occupation : agriculturist,

.....25/-

Judgment

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r/o Kotodi, post Malegaon,
tahsil Saoner,
district Nagpur. **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.

=====

WRIT PETITION NO.5081 OF 2022

Western Coalfields Limited,
A subsidiary of Coal India Limited,
a Central Government Undertaking,
through its Area General Manager,
Wani Area,
district Chandrapur. **Petitioner.**

:: VERSUS ::

Latabai Natthuji Salve,
aged adult,
r/o Bamani,
taluka Ballarpur,
district Chandrapur. **Respondent.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri A.A.Dhawas, Counsel for the Respondent.

=====

WRIT PETITION NO.5082 OF 2022

Western Coalfields Limited,
A subsidiary of Coal India Limited,
a Central Government Undertaking,
through its Area General Manager,
Wani Area,
district Chandrapur. **Petitioner.**

:: VERSUS ::

Dadaji Marotrao Wadaskar,
aged adult,
r/o Chanakha, taluka Rajura,
district Chandrapur. **Respondent.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri A.A.Dhawas, Counsel for the Respondent.

=====

.....26/-

Judgment

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WRIT PETITION NO.5083 OF 2022

Western Coalfields Limited,
A subsidiary of Coal India Limited,
a Central Government Undertaking,
through its Area General Manager,
Wani Area,
district Chandrapur. **Petitioner.**

:: VERSUS ::

Pushpa Dadaji Wadaskar,
aged adult,
r/o Chanakha, taluka Rajura,
district Chandrapur. **Respondent.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Shri A.A.Dhawas, Counsel for the Respondent.

=====

WRIT PETITION NO.5084 OF 2022

Western Coalfields Limited,
A subsidiary of Coal India Limited,
a Central Government Undertaking,
through its Area General Manager,
Wani Area,
district Chandrapur. **Petitioner.**

:: VERSUS ::

1. Meera Shankar Kunhawar,
at post Borda.
tahsil and district Chandrapur.

2. Bebi Vinayak Dagamwar,
at Nandgaon (Pode), post Visapur,
tahsil Ballarpur,
district Chandrapur.

3. Shankar Tukaram Kunhawar,
at Mamla Mokasa,
tahsil and district Chandrapur.

4. Devidas Tukaram Kunhawar,
at Masala (Old), post Urjanagar,
tahsil and district Chandrapur.

.....27/-

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5. Bhaurao Tukaram Kunhawar,
at post Mumla Mokasa,
tahsil and district Chandrapur.

6. Chandu Tukaram Kunhawar,
at post Mamla Mokasa,
tahsil and district Chandrapur.

7. Gajanan Dadaji Kunhawar,
at Post Gadbori, tahsil Sindewahi,
district Chandrapur.

8. Nandu Dadaji Kunhawar,
at post Gadbori, tahsil Sindewahi,
district Chandrapur.

9. Vijay Dadaji Kunhawar,
at post Rajoli, tahsil Sindewahi,
district Chandrapur.

10. Ramu Ramratan Malkawar,
at Sinala, post Urjanagar,
Chandrapur.

11. Ganesh Ramratan Malkawar,
at Masala (Old), post Urjanagar,
tahsil and district Chandrapur.

12. Sundarabai Prabhakar Kopulwar,
at post Gadbori, tahsil Sindewahi,
district Chandrapur.

13. Chandrakala Balaji Kopulwar,
(dead)
through legal representatives;

13-a) Madhavi wd/o Dinesh Kopulwar,
aged 34 years.

i) Himanshi d/o Dinesh
Kopulwar, aged 7 years.

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ii) Anandi d/o Dinesh
Kopulwar, aged 4 years.

Nos.(i) and (ii) being minor through
their mother non-applicant No.13A.

13-b) Ragini w/o Krishna Ketewar,
aged about 38 years.

13-c) Gomesh s/o Balaji Kopulwar,
aged about 33 years.

All 13A to 13C resident of Masala Juna,
tahsil and district Chandrapur.

14. Sunita Maroti Kopulwar,
at post Mamla Mokasa,
tahsil and district Chandrapur.

15. Anita Vitthal Kopulwar,
at post Mamla Mokasa,
tahsil and district Chandrapur.

..... **Respondents.**

=====

Shri C.S.Samudre, Counsel for the Petitioner/WCL.
Ms Kirti Satpute, Counsel for Respondents.

=====

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 16/03/2023

PRONOUNCED ON : 03/07/2023

COMMON JUDGMENT

1. By this bunch of first appeals and writ petitions,
the Western Coalfields Limited challenges judgment and order
passed by the special Tribunal constituted under the Coal
Bearing Areas (Acquisition and Development) Act, 1957
(hereinafter is referred as, "the CBA Act") in different

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Judgment

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compensation cases on different dates, as per the chart given below, by which the Tribunal has directed to provide employment to nominees of land owners. Out of these writ petitions, Writ Petition No.3430/2021 and 3432/2021 are filed by aggrieved person claiming his interest in acquired property gat No.142/01 admeasuring 1.09HR and gat No.142/02 admeasuring 0.84 HR.

2. Brief facts are as under:

The Western Coalfields Limited has filed various applications for determination of compensation under Section 14 of the CBA Act before the special Tribunal constituted under Section 14(2) of the CBA Act as well as for determination of the rightful person to whom the compensation amount is to be disbursed. The special Tribunal adjudicated the said applications and determined amount of compensation as well as directed the Western Coalfields Limited to provide employment to nominees of land owners under Rehabilitation and Resettlement Policy of Coal India Limited 2012 (the Policy of Coal India Limited 2012). Being aggrieved and dissatisfied with the said directions, the present

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Judgment

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appeals and petitions are filed on the ground that the directions issued by the special Tribunal is without jurisdiction, patently illegal, bad in law, and without jurisdiction. The special Tribunal has also determined title regarding acquired property wherever there is a dispute between land owners. In view of the provisions, especially under Section 14 of the CBA Act, the special Tribunal is constituted only to determine compensation amount and the rightful person to whom compensation is to be disbursed. Thus, the special Tribunal acted without jurisdiction and, therefore, the judgment and order directing the Western Coalfields Limited to provide employment is bad in law and liable to be set aside.

3. Chart relevant showing numbers of the first appeals, writ petitions, dates of orders impugned in these matters, the application numbers filed before the special Tribunal, and the issues involved are as below:

| F.A. & W.P.Nos. | Compe- nsation Case Nos. | Name of land owners | Notificat- ion u/s 9 and dates | Property acquired | Whet- her quest- ion of title is involved | Dates of Impugned orders |
|-----------------------|--------------------------------|------------------------|--------------------------------------|----------------------|--|--------------------------------|
|-----------------------|--------------------------------|------------------------|--------------------------------------|----------------------|--|--------------------------------|

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Judgment

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|----------------------------|--------------------|---|----------------|--|---|-----------|
| FA/524/21 by Ranjana | 13/2017 | Priyanka, Mahadeorao, Leelabai, Promod, Govind | 22/7/200 6 | Gat no.178/3 adm 1.32 HR | | 9.11.2020 |
| FA/46/22 by WCL | 13/17 376/17 | Priyanka Manoj Thawre. Ranjana Madhavrao Thawre, Madhavrao Mahadeorao Thawre, Leelabai Madhavrao Thawre, Pramod Madhavrao, Govind Madhavrao | 22/7/200 6 | Gat No.178/3 ad.1.32HR mauza Singhori | Yes, between Priyanka, Mahavraoan d Ranjana, Ranjana filed suit 144/2009 for partition, court granted 1/6th share to all, Special Tribunal modified it as 1/7th | 9.11.2020 |
| FA/203/22 by WCL | 25/2017 26/2017 | Dilip Rajurkar Shilabai Pundlik Pandhari Kashinath | 29/10/20 10 | Gat.no. 142/1 adm 1.09 HR Gat no.142/2 adm 0.84 R | Yes, between Dilip Rajurkar and Pandhari Kashinath Aglawe, Civil Suit 48/2013 | 9.3.2021 |

.....32/-

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|---|--------------------|---|----------------|---|---|-----------|
| FA/204/22 | 25/2017 26/2017 | 1. Mangesh Pundlik Aglawe 2. Pandhari Kashinath Aglawe, 1. Dilip Bhaurao Rajurkar 2. Shilabai Pundlik Aglawe 3. Pandhari Kashinath Aglawe | 29/10/20 10 | Gat no. 142/1 adm. 1.09 R Gat no. 142/2 adm. 0.84 R | Yes, civil suit 48/2013 | 9.3.2021 |
| FA/205/22 | 19/2017 | Ramesh Anandrao Bobde , Gayabai Anandrao Bobde, Sanjeevani Kamlalar More, Bhagwan Jaggannath Malekar through legal heirs | 29/10/2010 | Gat no. 13 adm. 1 H. 12 R of village Wirur Tal Koparna | Yes between Ramesh Bobde and legal heirs of Bhagwan Civil suit 79/2002 pending | 22.2.2021 |
| WP/3430/21 by Pandhari Kashinath Aglave | 25/2017 26/2017 | Claiming title against Mangesh, Dilip | 29/10/20 10 | Sur. no. 142/1 adm 1 H. 09 Sur.no. 142/2 adm. 0.84 R of village Virur | Yes. Civil Suit 48/2013 | 9.3.2021 |
| WP/3432/21 by Pandhari Kashinath Aglave | 25/2017 26/2017 | Claiming title against Mangesh, Dilip | 29/10/20 10 | Sur. no. 142/1 adm 1 H. 09 Sur. no. 142/2 adm. 0.84 R of village Virur | Yes. Civil Suit 48/2013 | 9.3.2021 |

.....33/-

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|------------|--------------------|---|------------|---|--|------------|
| WP/3499/21 | 291/2017 | Mahadeo Sadashiv Chowdhari, Bandu Mahadeo Chowdhari | 27/9/2008 | Gat. no. 92 Adm. 1. 23 HR Mouza Wanoja | Yes, Decided in favor of Mahadeo, Civil Suit 3/16 pending. | 10.11.2020 |
| WP/3500/21 | 37/16 | Ganesh Hemraj Pijdurkar, secretary, Bhudan Yagna Mandal. Jadish Babarao Salve | 6/10/2004 | Sur.no. 146 Adm. 0.52 HR of Mauza Ekona, Tahasil Warora | Yes, no Civil litigation, Sp. Tribunal Determined in favor of Ganesh Pirjudkar on the basis of document by hearing | 14.10.2020 |
| WP/3501/21 | 22/2016 27/2016 | Khusal Chintaman Bodhe, Baliram Khusal Bodhe, Kishor Chintaman Bodhe, Baliram Khushal Bodhe | 6/10/2004 | Khasra No. 270/2 adm. 1.38R sur.no. 271/1 adm 1.38 HR Mouza Ekona | Yes, Suit no. 184/2000 decreed in favor of khushal and decree became final | 24.11.2020 |
| WP/3502/21 | 22/2016 27/2016 | As above | As above | As above | As Above | 24.11.2020 |
| WP/5227/21 | 71/2017 | Nilkanth Namdeo Mandolkar and others | 10/11/2007 | Sur.no. 7 adm 2.33 HR Sur.no. 20 Adm. 1.21 HR of Mauza Kanwha | No | 22.2.2021 |

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|------------|----------|----------------------------------|------------|---|----|-----------|
| WP/5228/21 | 125/2017 | Shamrao Kisna Bhusari and others | 10/11/2007 | Sur.no. 200 adm 1.14 HR Sur.no. 238 adm 0.95 HR Sur.no. 239 adm. 0.70 HR of Mauza Shirpur | No | 11.2.2021 |
| WP/5229/21 | 57/2017 | Baban Laxman Vargane and others | 27/11/2010 | Sur.no. 343/1 adm. 0.40 HR Sur.no.345 adm.2.23 HR Mauza Polgaon | No | 2.6.2021 |
| WP/5230/21 | 30/2019 | Tulsabai Balpande and others | 27/11/2010 | Sur.no 343/1 Adm. 0.40 HR, Sur.No. 345 adm. 2.23 HR Mauza Polgaon | No | 2.6.2021 |
| WP/5231/21 | 63/2017 | Chandrabhaga Nilkanth and others | 27/11/2010 | Sur.no. 112/A Adm. 1.20 HR Mauza Sukali | No | 5.2.2020 |

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|------------|----------|---|------------|--|----|------------|
| WP/5232/21 | 59/2017 | Baban Laxman Warghane and others | 27/11/2020 | Sur.no. 343/1 adm 0.40 HR Sur.no 345 Adm 2.23 HR of Mauza Polgaon | | 2.6.2021 |
| WP/5233/21 | 164/2017 | Prabhakar Sitaram Urkude | 11/8/2012 | Sur.no. 79/2 Adm 0.91 HR of Mauza Makardhokra | No | 23.11.2020 |
| WP/5234/21 | 116/2017 | Shamrao kisna Bhusari through his legal heirs | 10/11/2007 | Sur.no. 200 adm. 1.14 HR, Sur.no. 238 Adm 0.95 HR, Sur. No. 239 Adm 0.70 HR of Mauza Shirpur | No | 11.2.2021 |
| WP/5235/21 | 124/2017 | Shamrao Kisna Bhusari through legal heirs | 10/11/2007 | Sur.no. 200 adm 1.14 HR, Sur. No 238 adm 0.95 HR, Sur. No. 239 Adm 0.70 HR of Mauza Shirpir | No | 11.2.2021 |

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|------------|----------|--|------------|--|----|------------|
| WP/5236/21 | 33/2020 | Suman Sudhakar Patil and other | 10/7/2014 | Sur. No 56 Adm 1.41 HR of Mauza Belsani | No | 24.3.2020 |
| WP/5237/21 | 210/2017 | Dilip Namdeo Giradkar | 27/10/2010 | Sur.no. 105/1 Adm. 0.80 HR of Mauza Sukali | No | 17.2.2021 |
| WP/5238/21 | 9/2019 | Usha Omprakash Gadge and others | 11/8/2012 | Gat no. 280 (old Gat no. 296) Adm 2.23 Hr of Mauza Makardhokra | No | 7.4.2021 |
| WP/5239/21 | 77/2017 | Nilkanth Namdeo and others | 10/11/2007 | Sur.No. 7 Adm. 2.33 HR Sur.No. 20 Adm 1.21 HR of Mauza Kanhwa | No | 22.2.2021 |
| WP/5079/22 | 103/2021 | Vaishali Natthuji Salve | 5/11/2010 | Sur. no. 229/1 adm. 0.51 HR Durgapur | No | 10.12.2021 |
| WP/5080/22 | 148/21 | Sheshrao Sampat Parkeki, Chintaman Bapurao Lamse | 10/7/2014 | Sur. no. 127 Adm 1.55 HR of Mouza Kotodi | No | 21.10.2021 |

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|------------|----------|--------------------------|------------|--|----|------------|
| WP/5081/22 | 107/2021 | Latabai Natthuji Salve | 25/11/2010 | Sur.no. 206/1 adm 1.21 HR of Mauza Sinhala | No | 10.12.2021 |
| WP/5082/22 | 104/2021 | Dadaji Marotrao Wadsekar | 25/11/2010 | Sur. no. 206/6B adm 0.81 HR of Mauza Sinhala | No | 10.12.2021 |
| WP/5083/22 | 106/2021 | Pushpa Dadaji Wadaskar | 25/11/2010 | Sur.no. 206/4 adm 1.21 HR of Mauza Sinhala | No | 10.12.2021 |
| WP/5084/22 | 70/2021 | Meera Shankar and others | 25/11/2010 | Sur. no. 2 Adm 0.8 HR of Mauza Sinhala | No | 11.10.2021 |

4. Out of these petitions, Writ Petition No.3430/2021 and 3432/2021 are filed by one Pandhari Kashinath Aglawe and challenged the order of the special Tribunal granting compensation to Dilip Bhaurao Rajurkar, Shilabai Aglawe, and Mangesh Pundlik Aglawe. He further challenged the directions providing employment to Mangesh Pundlik Aglawe or his nominee as per the Policy of Coal India Limited 2012. As per contentions of the petitioner, the special Tribunal has no

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jurisdiction to determine the title and ownership between the parties. It is further contended that he had filed Regular Civil Suit No.48/2013 claiming his share in the acquired property, however the special Tribunal exceeded jurisdiction and decided the title though it has no jurisdiction. As per his contentions, there is no dispute that gat No.142/2 adm. 0.84HR and gat No.142/1 adm. 1.09 HR situated at village Wirur, taluka Korpana, district Chandrapur were acquired by Notification published under Section 9(1) on 29.10.2010 of the CBA Act. The Western Coalfields Limited filed applications under Section 14(2) of the CBA Act for determination of rightful owner to disburse compensation amount bearing Nos.25/2017 and 26/2017. Application No.25/2017 was filed in respect of gat No.142/1 and application No.26/2017 was in respect of gat No.142/2. He had contested both the applications on the ground that both the fields are ancestral properties and there was partition by their father Kashinath between him and his brother Pundlik. The partition deed was executed on stamp paper. The said stamp was impounded in another Regular Civil Suit No.11/2009. He further contended that though the partition was effected, mutations were not carried out in his

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name and the lands continued in the name of Pundlik who is the father of Mangesh, who is one of non-applicants in Application No.25/2017. As he was serving in Zilla Parishad at Chandrapur as a primary teacher and retired in the year 2001, he could not cultivate the lands. Initially, he cultivated the lands through his son-in-law Prakash and, thereafter, through Pundlik, who is the father of Mangesh, till the date of acquisition. Thus, he is having right in the acquired property and he filed a suit for possession which is pending.

5. Both the applications are contested by Mangesh Pundlik Aglawe and Dilip Rajurkar, the son-in-law of Pundlik, on the ground that both the lands acquired were self acquired properties of Pundlik Aglawe who purchased the same by virtue of sale deed dated 14.5.1979. The land survey No.142 was having original survey No.92. The mutations were also carried out in the name of Pundlik, his father. Said Pundlik executed gift deed in favor of them in respect of survey No.142/1 and survey No.142/2. The special Tribunal, on the basis of evidence, held that the acquired property was self acquired properties of Pundlik. The petitioner has never objected any mutations. It is further held that Mangesh and

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Dilip became owners of the acquired property survey Nos.142/1 and 142/2 on the basis of the gift deed.

6. Thus, the petitioners, in Writ Petition No.3430/2021 and 3432/2021, raised the issue that the special Tribunal has no jurisdiction to decide the title of the acquired property. The special Tribunal has exceeded the jurisdiction and, therefore, the order determining the compensation, in favor of Mangesh s/o Pundlik Aglawe and Dilip Rajurkar, deserves to be set side. He further challenged the direction of the special Tribunal directing to provide employment to Mangesh Aglawe or his nominees.

7. The issue regarding the jurisdiction of determining the compensation holding the title in favor of the land owners, though there is a dispute regarding the title, is also challenged by the Western Coalfields Limited in First Appeal Nos.205/2022, 204/2022, 203/2022, 46/2022, Writ Petition Nos.3500/2021, 3499/2021, 3501/2021, and 3502/2021.

8. Thus, the core issue in these matters is that whether the special Tribunal has jurisdiction to determine the compensation by deciding the title as well as directing the

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Western Coalfields Limited to provide employment to the nominees of the land owners.

9. Learned senior counsel Shri S.P.Dharmadhikari appearing for the Western Coalfields Limited submitted that the preamble of the CBA Act shows that the said Act is enacted to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise and for matters connected there with. He invited my attention to various provisions of the CBA Act and submitted that Section 4 of the CBA Act deals with preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon. Section 5 of the CBA Act deals with effect of Notification on prospecting licence and mining leases. Section 6 of the CBA Act States about compensation for any necessary damage done under Section 4 of the CBA Act. Whereas, Section 7 speaks about powers to

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acquire land or right in or over land notified under Section 4 of the said act. Section 8 of the said Act states that any person interested in any land in respect of which a notification issued under Section 7 may raise the objection to the acquisition. In view of Section 9 of the CBA Act, the Central Government can declare the declaration of Notification and after such declaration, the land is vested with the Central Government in view of Section 10 of the said Act. Under Section 11 of the said Act, powers of the Central Government to direct vesting of land or rights in a Government company are determined. In view of Section 12 of the said Act, the competent authority by issuing notice can take possession of land acquired. Section 13 of the said Act speaks about compensation for prospecting licenses ceasing to have effect, rights under mining leases. As per Section 14 of the said Act, the method for determining the compensation is determined. In view of Section 14(1), where the compensation of amount payable under this Act is fixed by an agreement, it shall be paid in accordance of such agreement. Where no such agreement can be reached, in view of sub section (2) of Section 14, the Central Government shall constitute the Tribunal, consisting of

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person, who is or has been or is qualified to be a judge of a high court for the purpose of determining the amount. In view of sub section (3) of Section 14, the Central Govt may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal. In view of sub section (4) of Section 14, at the commencement of the proceedings before the Tribunal, the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation. In view of sub section (5) of Section 14, the Tribunal shall, after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person and persons to whom the compensation shall be paid and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions shall determine the compensation amount. Sub section (6) of Section 14 states that where there is a dispute as to the person or persons entitled to the compensation and the Tribunal shall apportion the amount among such persons. In view of sub section (8) of Section 14, the Tribunal shall have all powers which the civil court has, while trying a suit namely

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summoning, and enforcing the attendance or any person, requiring the discovery and production of any document, receipt of evidence on affidavits, requisitioning any public record from any court or office and issuing commission for examination of witnesses. He further submitted that Section 17 is in respect of payment of compensation. Section 20 speaks about the appeals and Section 26 states about the jurisdiction of civil court.

10. Learned senior counsel Shri S.P.Dharmadhikari appearing for the Western Coalfields Limited, thus, submitted that the special Tribunal is a creature of statute. It is not a court stricto sensu, more efficaciously, powers to be exercised. The rehabilitation and resettlement is not part of compensation. The Tribunal is constituted only to determine the amount of compensation. Thus, the Tribunal has no right to issue the directions to provide employment. The said directions are without jurisdiction. The purpose to constitute the Tribunal is required to be seen. The Tribunal has granted the relief without jurisdiction and, therefore, the orders passed by the Tribunal deserve to be set aside.

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11. Learned counsel Shri C.S.Samudre, also supported the submissions canvassed by learned senior counsel Shri S.P.Dharmadhikari appearing for the Western Coalfields Limited and submitted that not only the directions but also in some of the petitions the special Tribunal has also determined the title though the civil suit is pending between the parties. Thus, the Tribunal has acted without jurisdiction. He submitted that in view of Section 26 of the CBA Act, the jurisdiction of the civil court is not barred. He submitted that it is well settled that the provisions ousting the jurisdiction of a civil court must strictly construed. The jurisdiction of the civil court under Section 9 of the Code of Civil Procedure is expansive and takes within its sweep every suit of civil nature except a suit of which cognizance either expressly or impliedly barred. Section 26 of the CBA Act would bar the jurisdiction of the civil court to take cognizance only of those matters which are to be decided by the authorities or the Tribunal under the CBA Act. The dispute touching to the title of the property acquired cannot be finally determined by the Tribunal constituted under Section 14 of the CBA Act. The jurisdiction

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of the civil court to decide the issues of title to the property acquired is not ousted.

12. In support of his contentions, learned counsel Shri C.S.Samudre, placed reliance on the decision of the Honourable Apex Court in the case of **Magadh Sugar & Energy Ltd. vs. State of Bihar and others**, reported in **2021 SCC Online SC 801** wherein the Hon'ble Apex Court held that while a High Court would normally not exercise its writ jurisdiction under Article 226 of the Constitution if an effective and efficacious alternate remedy is available, the existence of an alternate remedy does not by itself bar the High Court from exercising its jurisdiction in certain contingencies. The Hon'ble Apex Court further observed that, (i) the power under Article of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well; (ii) The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person; (iii) Exceptions to the rule of alternate remedy arise where (a) the writ petition has been filed for the enforcement of a fundamental

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right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged.

He further placed reliance on the decision of the single bench of this Court in the case of **Sandeep s/o Ramesh Dakhare vs. Mrs.Suchita w/o Bala Gore and ors, reported in 2020(1)ALL MR 551** wherein it is held that dispute touching the title of the property acquired cannot be finally determined by the Tribunal constituted under Section 14 of the CBA Act. The jurisdiction of the civil court to decide the issues of title to the property acquired is not ousted.

13. *Per contra*, learned counsel Shri T.D.Mandlekar submitted that the Western Coalfields Limited was in need of vast areas of lands towards different projects and acquired the lands. The subject of land acquisition falls under entry 42 of list III of Schedule 7 of the Constitution. Thus, by virtue of Article 246 of the Constitution of India, the subject is under State List and concurrent list. The parliament has enacted the CBA Act 1957 to establish in the economic interest of India

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greater public control over the coal mining industry. As per the contention of learned counsel, the first appeals filed by the Western Coalfields Limited under Section 20 of the CBA Act is not maintainable as the petitioners are not aggrieved person. He further submitted that the Western Coalfields Limited has acquired the lands under Section 9 of the CBA Act. Immediately, in pursuance to the Notifications, all the land owners have lost their rights and interest in their respective lands and the Western Coalfields Limited has become owner of those lands and, therefore, it was mandatory on the part of the Western Coalfields Limited to make the payment of the compensation to the land losers and also to give livelihood and employment as per the Policy of Coal India Limited 2012. He submitted that Section 14 of the CBA Act contemplates that when there is an agreement, the compensation is payable in accordance with the agreement and wherever the agreement cannot reach, the Central Government shall constitute the Tribunal consisting of a person who is or has been or is a qualified to be a judge of the high court for the purpose of determining the amount. Thus, Section 14(2) of the CBA Act prohibits all proceedings before

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the Tribunal where agreement is signed under Section 14(1) of the said Act. The power to determine the compensation is available to the Tribunal under Section 14(5) of the said Act. He further submitted that in view of the Policy of Coal India Limited 2012, the Western Coalfields Limited is duty bound to provide the employment. Thus, the Western Coalfields Limited ought to have provided the employment as contemplated in Clause-8 of the Policy of Coal India Limited 2012. The Western Coalfields Limited has deliberately not provided employment. The Western Coalfields Limited has discriminated the land owners and deprived them from employment though it has already provided employment to 410 citizens who are land losers and, therefore, the conduct and action of the Western Coalfields Limited is absolute illegal, bad in law, and violative of Article 14 of the Constitution of India. He submitted that The Tribunal has rightly issued directions as the land losers are entitled to get the employment as per the Second Schedule of Section 105 of the Right to Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the R&R Act).

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14. In support of the contentions, learned counsel Shri T.D.Mandlekar, placed reliance on following decisions,

1. Mahanadi Coal Fields Ltd. and anr, vs. Mathias Oram and ors, reported in 2022 SCC OnLine SC 1508;

2. Mahadeo Sadashiv Nannaware vs. Western Coalfields Ltd. and ors vs. Western Coalfields Ltd., and anr decided by the division bench of this Court on 22.9.2022 in Writ Petition No.3547/2020;

3. Prabha Devi vs. Eastern Coalfields Limited, reported in 2019 SCC OnLine Jharkhand 1107;

4. Mahadeo s/o Ramaji Khade and anr vs. General Manager, Western Coalfields Ltd., reported in 2012(1) Mh.L.J.427;

5. Shankar @ Vishwambhar s/o Kacchiram Waghmare and anr. vs. Western Coalfields Ltd., Chandrapur, reported in 2020(1)Mh.L.J. 121;

6. Santosh Chandai Yadav vs. Western Coalfields Limited, Nagpur and ors, reported in 2014 SCC OnLine Bom 3341;

7. Eastern Coalfields Limited vs. Anandinath Banerjee and ors, reported in (2021)8 SCC 593;

8. Sau.Vanita w/o Bhaskar Vaidya vs. Western Coalfields Limited and ors, decided by the division bench of this Court on 7.1.2019 in Writ Petition No.2500/2017;

9. Shefali Bala Devya and anr. vs. Bharat Coking Coal Ltd. and ors, decided by the Jharkhand High Court on 20.11.2008 in Writ Petition No.1127/2006;

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10. Ravindra Singh vs. The State of Madhya Pradesh, decided by the Madhya Pradesh High Court on 25.1.2018 in Writ Petition NO.7968/2009, and

11. Pradip Kumar Maji vs. Coalfields Ltd., decided by the Calcutta High Court on 20.4.2020 in Writ Petition No.26990/2017.

On the basis of the above submissions, he submitted that all the writ petitions and first appeals deserve to be dismissed.

15. Learned counsel appearing in connected writ petitions adopted the submissions of learned counsel Shri T.D.Mandlekar and endorsed the same contentions made by learned counsel Shri T.D.Mandlekar and prays for dismissal of the writ petitions and first appeals.

16. After hearing the rival submissions by learned counsel appearing for respective parties, core questions arise for determination are,

1. Whether the special Tribunal constituted under the provisions of the CBA Act has jurisdiction to determine the compensation amount when there is a dispute regarding the title of the acquired property?

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2. Whether the special Tribunal has exceeded the jurisdiction by directing the Western Coalfields Limited to provide employment under the Policy of Coal India Limited 2012?

17. There is no dispute that the lands of the various land owners were acquired by the Western Coalfields Limited by issuing necessary Notifications on various dates. As per the chart given above, the Notifications under Section 9(1) were issued. Admittedly, applications were filed by the Western Coalfields Limited to determine the compensation and who is the rightful owner to claim compensation. While determining the same, the special Tribunal has decided who are owners of the acquired lands and who are entitled for the compensation to be paid.

18. It is seen from the record that in Writ Petition Nos.3430 and and 3432/2021, one Pandhari Kashinath Aglawe has challenged the determination of compensation in favour of Mangesh Pundlik Aglawae and Dilip s/o Bhaurao Rajurkar. As per his contentions, regarding the title and ownership, Regular Civil Suit No.48/2013 is already pending before the competent court and the civil court has jurisdiction to decide the title. The Western Coalfields Limited has also challenged the

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directions of providing employment to the nominees of Mangesh Pundlik Aglawe or Mangesh Pudnlik Aglawe and determining the right of compensation in favour of Mangesh Pundlik Aglawe and Dilip s/o Bhaurao Rajurkar on the ground that the Tribunal has no jurisdiction to determine the title when the dispute regarding the title is pending between Mangesh Pundlik and Pandhari Kashinath Aglawe.

19. The similar issue was raised in Writ Petition No.3500/2021 wherein also there is a dispute between the parties regarding the title of the property. There was an agreement between the Western Coalfields Limited and Ganesh s/o Hemraj Pijdurkar and others. In the said petition, the Western Coalfields Limited has challenged the order passed by the special Tribunal holding Ganesh Pijdurkar as a person entitled to receive compensation though there was dispute regarding the title. However, no civil suit is pending.

20. In Writ Petition No.3501/2021 also, the dispute was raised between Kishor Chintaman Bodhe and Baliram Bodhe as both have claimed the compensation amount on the

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basis of title. The special Tribunal held that they both are entitled for compensation.

21. In Writ Petition No.3502/2021, though there was an agreement between the Western Coalfields Limited and Khushal Chintaman Bodhe and anr, the Western Coalfields Limited filed an application bearing Nos.22, 27/2016 as there was a dispute between Khushal Bodhe and Baliram Bodhe. To determine the rightful owner, the applications are filed by the Western Coalfields Limited.

22. Before dealing with the controversial issues, it is necessary to see and reproduce the relevant provisions of Section 14 of the CBA Act.

14.(1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.

(2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a judge of a High Court for the purpose of determining the amount.

(3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons

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interested may also nominate any other person for the same purpose.

(4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.

(5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

(7) Nothing in the Arbitration Act, 1940, shall apply to any proceedings under this section.

(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

(i) summoning and enforcing the attendance of any person and examining him on oath

(ii) requiring the discovery and production of any document

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- (iii) reception of evidence on affidavits
- (iv) requisitioning any public record from any court or office; and
- (v) issuing commissions for examination of witnesses.

23. Perusal of the provision of Section 14(5) shows that the Tribunal shall, after hearing the dispute, make an award determining the amount of compensation which appears to it to be just and specify the person or persons to whom the compensation shall be paid and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to manner in which the amount of compensation shall be determined. Thus, the scope of Section 14(5) is only to the extent of determining the amount of compensation and of determining the person who is rightful owner. The language of Section 14(5) of the said Act indicates that in deciding the dispute and making an award the Tribunal has to specify the person or persons to whom the compensation has to be paid and in case there is a dispute as to the same and the Tribunal finds that more than one person is entitled to compensation, it

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has also to determine the apportionment regarding the amount. The entitlement of the Tribunal to determine the amount of compensation or rightful owner nowhere shows that the Tribunal has power and authority to determine the title of the property. Though powers under the Civil Procedure Code have been conferred upon the Tribunal in view of Section 14(8) which are to the extent of collecting evidence and enforcing the attendance of witnesses for the purposes of determining the compensation, the said powers do not empower the Tribunal to enter into controversy whereby the dispute raised as to the title of the property could be determined by the Tribunal.

24. This court in the case of **Waman and ors vs. Vishwanath and ors**, decided on **28.9.2021** in Writ Petition **Nos.2314 and 3736/2021** dealt with the said issue and while deciding these writ petitions, held that the expression "or the title to receive it" as occurring in Section 17(2) of the said Act of 1957 has to be read in consonance with the empowerment of the Tribunal as contained in Section 14(5) and 14(6) of the said Act of 1957 and cannot be constituted to mean the conferment of a right upon the Tribunal to determine the title

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to the property. It is further held that it is to be noted that the Act does not constitute a Tribunal as civil court, nor does it make the determination by the Tribunal a decree to be binding upon the parties, in case dispute is raised before it.

The second proviso to Section 17(2) would also necessarily mean the determination regarding the quantum of apportionment in respect of a person who claims to be interested and not otherwise.

This court further held that the bar under Section 26 is not an absolute bar, but a bar limited to the actions taken by the Tribunal under the Act.

25. The position, as regards the power of the Tribunal to determine a title dispute has also been also considered by the single bench of this court in the case of **Sandeep s/o Ramesh Dakhare vs. Mrs.Suchita w/o Bala Gore and ors** cited *supra* and held that it is well settled that a provision ousting the jurisdiction of a civil court must be strictly construed. The jurisdiction of the civil court under section 9 of the Code of Civil Procedure is expansive and takes within its sweep every suit of a civil nature except a suit of which cognizance is

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either expressly or impliedly barred. A provision which purports to bar the jurisdiction of the civil court must be strictly construed. Section 26 of the Act, construed thus, would bar the jurisdiction of the civil court to take cognizance only of those matters which are necessarily to be decided by the authorities or the Tribunal under the Act. It is held that dispute touching the title to the property acquired cannot be finally determined by the Tribunal constituted under section 14 of the Act. The jurisdiction of the civil court to decide the issues of title to the property acquired is not ousted.

26. In the light of the above observations, if the scheme of Section 14 of the CBA Act is taken into consideration, it shows that if the amount of compensation payable is fixed by agreement, it shall be paid in accordance with the agreement and only if such agreement is not reached, the Central Government shall constitute a Tribunal for the purpose of determining the amount. Section 17(1) speaks about the compensation payable under the CBA Act. The reference is with regard to the compensation agreed or determined by the Tribunal. It does not mean that conjoint reading of Sections 14 and 17 of the CBA Act empowers the

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Tribunal to decide the title disputes. The claims to the compensation or dispute touching the apportionment of the compensation may be *prima facie* considered by the Tribunal and the Tribunal can apportion between the persons known or believed to be interested in the land. However, the Tribunal has no right to take a decision on important civil, and property rights which can be decided by the civil court and, therefore, determining of the compensation by deciding the title of the respective claimants is without jurisdiction. Though in view of Section 14(5) of the CBA Act the Tribunal shall, after hearing the dispute, make an award determining the amount of compensation, the powers under the Code of Civil Procedure conferred upon the Tribunal are limited in nature and restrict to collecting of evidence and enforcing the attendance of witnesses.

27. The phrase hearing is considered by this court in the case of **Western Coalfields Limited vs Vasanji s/o Lalji Suchak & Others**, reported in 1998(1) Bom CR 538 by referring the decision in the case of in **Manohar Dass v. Birandari Sheikhpurain, A.I.R. 1936 Lahore, 280** in which it is observed hearing of the suit is meant the hearing at which the

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Judge would be either taking evidence or hearing arguments or would have to consider questions relating to the determination of the suit which would enable him finally to come to an adjudication upon it.

28. Thus, in view of Section 14(5) of the CBA Act, hearing the parties means granting audience to the claimant and non-applicant. In other words, the parties have to detail and to state what evidence on facts, the parties want to lead to substantiate their claim. The burden lies on both the parties to substantiate their claim by producing documents and leading evidence.

29. Considering the provisions and the intent of the legislation and in the light of the observations of this court in the case of **Sandeep s/o Ramesh Dakhare vs. Mrs.Suchita w/o Bala Gore and ors**, the Tribunal has no jurisdiction to decide the dispute touching to the title of the property acquired and cannot finally determine the title under Section 14 of the CBA Act. The jurisdiction is of the civil court to decide the issues of title to the property acquired is not ousted.

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30. The issue regarding jurisdiction of the Tribunal about determining the title, while considering a rightful person to receive the compensation amount, is also dealt by the Orissa High Court in Writ Petition No.8908/2004 decided on 22.12.2015 wherein the point for consideration before the court was that whether the civil court lacks jurisdiction to entertain the suit filed by the petitioners when the subject matter of the suit lies with the exclusive jurisdiction of the Tribunal constituted under the CBA Act. While interpreting Section 14 of the CBA Act, the Orissa High Court also held that on cursory perusal of Section 14 of the Act, it is crystal clear that where the amount of any compensation payable under the can be fixed by agreement, it shall be paid in accordance with such agreement. But, when there is no such agreement, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a judge of High Court for the purpose of determining the amount. It is further held that, thus the jurisdiction of the Tribunal in view of Section 14 of the CBA Act is limited to determine the amount of compensation and the persons to whom it is payable. The Orissa High Court referred the

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decision in the case of **Ramesh Gobindram vs. Sugra Humayun Mirza Wakf**, reported in (2010)8 SCC 726 wherein the provisions of the AP Wakf Act 1955 came up for consideration before the Hon'ble Apex Court and the Hon'ble Apex Court held that there is a presumption that the civil court has jurisdiction. Ouster of civil court's jurisdiction is not to be readily inferred. It is further held that the well settled rule is that civil courts have jurisdiction to try all suits of civil nature except those which are expressly or impliedly barred. The Orissa High Court by referring Section 26 of the Act held that it is evident from language that the Tribunal has not been conferred with any jurisdiction to decide the said issues. The Tribunal has only jurisdiction to decide the amount of compensation and issues regarding the title, interest are not within the jurisdiction of the Tribunal.

31. Thus, the issue is well settled that the jurisdiction of the Tribunal is limited to determine the amount of compensation and the persons to whom it is payable and as such I have no reason to take a different view than the said view.

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32. The Tribunal, as referred above, in some matters decided the title while determining the rightful owner to receive the compensation. In First Appeal Nos.524/2021 and 46/2022, in which the judgments and orders passed in Compensation Case No.13/2017 and 376/2017 are under challenge, wherein The Tribunal has converted 1/6th share of the interested persons into 1/7 share which is also illegal, the special Tribunal ought to have directed the parties to approach the civil court to ascertain the correct share. Thus, conversion of the share by the Tribunal is also without the jurisdiction. One of claimants Ranjana Madhaorao Thaware, by moving First Appeal No.524/2021, challenged the order of the Tribunal on the ground that the Tribunal erroneously converted her share from 1/6th to 1/7th and also prayed for setting aside the directions of providing employment to one of claimants. Thus, it is apparent that the Tribunal has exceeded the jurisdiction and determined the title which is illegal.

33. The next issue raised by the Western Coalfields Limited is that the Tribunal has no power to issue the directions to provide the employment under the Policy of Coal India Limited 2012. As already observed earlier that there is

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no dispute that various lands are acquired by the Western Coalfields Limited and the Western Coalfields Limited has filed applications to determine the compensation amount, while determining the compensation, the Tribunal directed the Western Coalfields Limited to provide the employment. The said direction is challenged on the ground that the Tribunal has limited jurisdiction only to determine the compensation amount. However, the Tribunal has exceeded its jurisdiction which is illegal. Admittedly, the CBA Act is a offshoot of the old Land Acquisition Act of 1894 in India. The CBA Act was enacted to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise.

34. There is also no dispute that there was a policy of f Coal India Limited 2012 by which in view of clause (2), objectives and general principles of the policy are determined. The purpose of resettlement and rehabilitation policy 2012 is

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to revise and provide greater flexibility to the basic principles for the settlement and rehabilitation of people affected by coal mining project. In pursuance of the said policy, one of objects is to provide just and fair compensation to the affected families whose lands have been acquired or proposed to be acquired or are affected by such acquisition and made adequate provisions for loss of livelihood of such affected persons including their rehabilitation and resettlement. The scope of the said policy is that it extends the Coal India Limited and its subsidiaries companies. It defines as affected family as well as family. It also defines the eligibility criteria for economic rehabilitation benefits. In view of clause 8.1 of the Policy of Coal India Limited 2012, all land owners with titles will receive monetary compensation for the land acquired from them. The value of the land is determined on the basis of prevailing legal norms. In respect of tribals cultivating lands under traditional rights, authentication of the lands held under traditional rights by the State Authorities will be necessary. The said policy further states that the land compensation shall be paid as per the provisions of the concerned Act or the State Government notification. Clause

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(B) of the Policy of Coal India Limited 2012 says that apart from payment of the land compensation, employment may be given in the following manner:

(B): Employment provision : Apart from payment of the land compensation, employment may be given in the following manner:

1. The maximum total number of employments that may be provided to the land losers would be limited to the total no. of acres of land acquired divided by two. However, employments will be released in proportion to the land possessed.

(2) For every two acres of land one employment can be considered.

(3) Subsidiaries of CIL may give an option to the land losers having less than two acres of land to club together their land to the extent of two acres and nominate one of the land losers among the groups or their dependent for employment under package deal or employment under descending order system by preparing the list of eligible land oustees in the descending order of land lost subject to the cut off equivalent to the total number of permissible employments or any other method with the approval of the respective board of the subsidiary.

4) The land loser must be a domiciled resident/Mool Niwasi and the certificate to this effect shall be issued by the concerned State Authority.

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5) the modalities for offering employment shall be such as may be approved by the Board of the Subsidiary companies as per the unique conditions of the subsidiary provided that-

a) The initial employment shall be given with pay of Category 0I pay scale of NCWA, with training period of 6 months.

b) In the seniority list, the seniority of the appointee should be reflected in appropriate manner in order to keep the senior most as senior.

c) The land loser trainees shall be posted as per requirement, including underground duties.

35. Thus, there is no dispute that the Policy of Coal India Limited 2012 was enacted and employment provision was made.

36. Learned counsel Shri T.D.Mandlekar, placed reliance on the decision of the division bench of this court in the case of **Mahadeo Sadashiv Nannaware vs. Western Coalfields Ltd. and ors vs. Western Coalfields Ltd. and anr**, cited *supra* wherein this court observed that the Western Coalfields Limited is under a duty to comply with the policy and provide employment to every land loser including the

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petitioner in clause 8.1 (B) of the Policy of Coal India Limited 2012.

The said issue is further dealt by this court in the case of **Santosh Chandai Yadav vs. Western Coalfields Limited, Nagpur and ors** cited *supra* and this court directed the Western Coalfields Limited to provide the employment. There is no dispute that under the Policy of Coal India Limited 2012, the Western Coalfields Limited would be under a duty to provide employment to every land loser in the light of eligibility criteria determined in the policy. However, the question raised in these writ petitions is whether the Tribunal has jurisdiction to issue such directions while deciding the applications under Section 14 of the CBA Act. The further question arises whether the compensation includes the employment in addition to the compensation amount. The dictionary meaning of the compensation is, "to remuneration or other benefits including damages etc.."

37. The Hon'ble Apex Court in the case of **S.R.Y. Sivaram Prasad Bahadur vs. The Commissioner Of Income Tax, Hyderabad**, reported in (1971)3 SCC 726 interpreted the

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word "compensation" and observed that "While it is true that the terminology used by the legislature in respect of a payment is not conclusive of the true character of that payment, it would be proper to proceed on the basis that the legislature knew what it was saying. The word 'compensation' is a well known expression in law. When the legislature says that all payments made under the Act are in respect of the compensation payable to the former holders, unless there are clear and convincing circumstances to show that one or more items of payment do not form part of the compensation payable, we must hold that those payments are what they are said to be by the statute. We must give the word "compensation" its normal and natural meaning.

38. In the light of the above observations, if Section 14(5) of the CBA Act is perused, it specifically states that the Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just. Thus, limited jurisdiction is given to the Tribunal only to determine the amount of compensation and not more than that. The amount of compensation means the entitlement of the persons in respect of the land acquired

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which consists of the value of the land. The jurisdiction of the Tribunal is only to the extent of determining the amount of compensation and the persons to whom the compensation shall be paid. Though learned counsel Shri T.D.Mandlekar placed reliance on catena of decisions and there is no dispute regarding the entitlement of the lands' owners regarding the employment the Policy of Coal India Limited 2012, the only question is whether the Tribunal has jurisdiction to issue such directions. There is no judgment placed by learned counsel showing that the Tribunal has jurisdiction to issue such directions under Section 14(5) of the CBA Act.

39. In the decision of the Hon'ble Apex Court in the case of **Prabha Devi vs. Eastern Coalfields Limited** cited *supra*, as relied by learned counsel Shri T.D.Mandlekar, the issue was whether the respondent is entitled to employment by the appellant in lieu of compensation of land.

40. In the decision of the Honourable Apex Court in the case of **Mahanadi Coal Fields Ltd. and anr, vs. Mathias Oram and ors** cited *supra*, the issue before the Hon'ble Apex Court was that the acquisition and notification were made way

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back in the year 1984, however no compensation was paid to the villagers and the land holders for last 28 years.

41. In the decision of the Hon'ble Apex Court in the case of **Prabha Devi vs. Eastern Coalfields Limited** cited *supra* the challenge was that the petitioner had claimed the compensation as co-shareer of the ancestral property.

42. In the decision in the case of **Mahadeo s/o Ramaji Khade and anr vs. General Manager, Western Coalfields Ltd.** cited *supra* this court adjudicated the issue regarding the vesting of land in Government.

43. In the decision in the case of **Shankar @ Vishwambhar s/o Kacchiram Waghmare and anr. vs. Western Coalfields Ltd., Chandrapur** cited *supra* the issue regarding the payment of interest was under consideration.

44. In the decision in the case of **Union of India and anr vs. Paras Laminates (P) Ltd., reported in 1991 AIR 696** wherein it is held that the Tribunal functions as a court within the limits of its jurisdiction. It has all the powers conferred expressly by the statute.

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Thus, in view of the said decision also, the Tribunal has to act within the powers conferred expressly by the statute.

Section 14(5) of the CBA Act expressly states that the Tribunal shall make an award determining the amount of compensation.

45. Thus, none of these decisions speaks that the Tribunal has jurisdiction to direct the Western Coalfields Limited to provide the employment. The special Tribunal is constituted in view of Section 14(2) of the CBA Act for the purpose of determining the amount. The word "amount" speaks for itself. It clearly says that the Tribunal has to determine the amount of compensation against the acquisition.

46. In the decision in the case **P.Malaichami vs. M. Andi Abalam and ors**, reported in (1973)2 SCC 170 the Hon'ble Apex Court held that justice has got to be done according to law. A Tribunal with limited jurisdiction cannot go beyond the procedure laid down by the statute for its

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functioning. If it does so, it would be acting without jurisdiction.

47. Thus, perusal of the provisions under the CBA Act, shows that except determining the amount of compensation, that is also just compensation and determining the rightful owner to receive the compensation, no other jurisdiction is given to the Tribunal under the CBA Act. The language of Section 14(5) of the CBA Act indicates clearly that while deciding the dispute, the Tribunal has to determine the amount of compensation and specify the person or persons to whom the compensation has to be paid. The specific word "amount" connotes that the Tribunal has to determine the entitlement of just value of the compensation and not the other aspects. Even the Tribunal has no power to enter into the aspect of determining the title of the property. It is an admitted position that in some of matters dispute regarding the title was pending.

48. In First Appeal Nos.46/2022 and 524/2021, the issue raised is that the civil court has already determined 1/6th

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share of the claimant and the Tribunal converted into 1/7th share.

49. Thus, it is crystal clear that the Tribunal has exceeded its jurisdiction by granting compensation to the land owners wherein the title issue is pending or there is a dispute between the parties as to the title. The Tribunal ought not to have determined the amount of compensation and ought to have directed the parties to get their right ascertained by the competent court.

50. Learned counsel for the Western Coal Fields Limited has rightly pointed out that the Tribunal has exceeded its jurisdiction. The Tribunal is a creature of statute and as observed by the Hon'ble Apex Court, the Tribunal with a limited jurisdiction, cannot go beyond the procedure laid down by the statute for its function.

51. From the judgments and orders impugned in these matters, passed by the Tribunal, it is apparent that it has acted without jurisdiction and directed the Western Coalfields Limited to provide the employment. Such course of action admittedly is illegal and beyond the jurisdiction and,

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therefore, the writ petitions filed by the Western Coalfields Limited succeeds. As such, the impugned judgments and orders passed by the special Tribunal directing the Western Coalfields Limited to provide employment to the land owners or their nominees deserve to be quashed and set aside. The impugned judgments and orders, in first appeals and writ petition wherein title issue is pending before civil court, passed by the special Tribunal directing to pay the compensation deciding the title also deserve to be quashed and set aside.

52. In the light of the above, following order is passed:

ORDER

1. First Appeal No.524 of 2021 and First Appeal No.46 of 2022 are **allowed**.

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The judgment and order passed by the special Tribunal directing to provide employment and determining the share from 1/6th to 1/7th is quashed and set aside.

2. First Appeal No.203 of 2022; First Appeal No.204 of 2022; Writ Petition No.3430 of 2021, and Writ Petition No.3432 of 2021 are **allowed**.

The judgment and order passed by the special Tribunal directing to provide employment and deciding the title and granting compensation is hereby quashed and set aside.

3. First Appeal No.205 of 2022 is **allowed**.

The judgment and order passed by the special Tribunal directing to provide employment and to pay compensation is quashed and set aside.

4. Writ Petition No.3499 of 2021 is **allowed**.

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The judgment and order passed by the special Tribunal to provide employment to the nominee/s and directing to pay compensation is quashed and set aside.

5. Writ Petition No.3500 of 2021 is **partly allowed**.

The judgment and order passed by the special Tribunal to provide employment to Ganesh s/o Hemraj Pijdurkar or his nominee's is quashed and set aside. The rest of the order granting compensation is maintained.

6. Writ Petition No.3501 of 2021, and Writ Petition No.3502 of 2021 are **partly allowed**.

The judgment and order passed by the special Tribunal to provide employment to Kishor Chintaman Bodhe and Khushal Chintaman Bodhe or their nominee's is quashed and set aside. The rest of the order granting compensation is maintained.

7. Writ Petition Nos.5227 to 5239 of 2021 and Writ Petition Nos.5079 to 5084/2022 are **partly allowed**.

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The judgment and order passed by the special Tribunal directing to provide employment to land owners or their nominee/s is quashed and set aside. The rest of the order granting compensation is maintained.

With this, the first appeals and the writ petitions stand disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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