



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

WRIT PETITION NO. 6869 OF 2025

PETITIONERS

- : 1. Sudhakar Ramchandra Urkude, Aged
About : 66 Years, Occupation : Farmer,
R/o. Deshpande Wadi, Behind Nagaji
Temple, Rajura, Tahsil Rajura, District
Chandrapur.
2. Amol Sudhakar Urkude, Age: 34 Years,
Occupation: Farmer, R/o. Deshpande
Wadi, Behind Nagaji Temple, Rajura,
Tahsil Rajura, District Chandrapur.

//VERSUS//

RESPONDENTS

- : 1. Western Coalfields Ltd., through its
Chairman Cum Managing Director,
Coal Estate, Civil Lines, Nagpur –
440001.
2. Western Coalfields Ltd., through its
Area General Manager, Ballapur Area,
Post Sasti, Tah. Rajura, Dist.
Chandrapur.
3. Sunanda Muralidhar There, Age: 58
Years, Occ: Agriculture, R/o. Ward
No. 1, Bamhani (Du.), Tah. Ballarpur,
Dist. Chandrapur, Tq. & Dist.
Amravati.

Mr. D.Y. Chatap, Advocate for the Petitioners.
Mr. I.V. Tambi, Advocate for Respondent Nos.1 & 2.

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

RESERVED ON : 8th MAY, 2026.
PRONOUNCED ON : 6th AUGUST, 2026.

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

Heard Mr. D.Y. Chatap, learned counsel for the petitioners, and Mr. I.V. Tambi, learned counsel for respondent Nos. 1 and 2. Respondent No. 3, though served by the usual mode, has chosen not to appear before this Court.

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

3. The petitioners have approached this Court seeking challenge to the Communication dated 08.10.2025 issued by respondent No.2, whereby the application submitted by the petitioners seeking employment 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 dispute in the present writ petition pertains to land bearing Survey No. 57/2, admeasuring 1.24 H.R., situated at Mouza Manoli, Tahsil Rajura, District Chandrapur (hereinafter referred to as “the aforesaid land” for the sake of brevity).

5. The aforesaid land was sold by respondent No. 3 and her two brothers to petitioner No. 1 by a registered sale deed dated

29.06.2005. Pursuant thereto, the name of petitioner No. 1 was mutated in the revenue records as the owner and possessor of the aforesaid land.

6. Respondent Nos. 1 and 2 acquired the aforesaid land under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957 for the Dhuptala Open Cast Mine (Sasti UG to OC) of Western Coalfields Ltd. It is an admitted position that the petitioners have already received monetary compensation of Rs. 24,51,232/- in respect of the aforesaid land as land losers under Clause 8.1 of the Rehabilitation and Resettlement Policy. Thus, the status and entitlement of petitioner No. 1 as a land loser have already been duly recognised by respondent Nos. 1 and 2.

7. The Rehabilitation and Resettlement Policy applicable to respondent Nos. 1 and 2/Western Coalfields Ltd. contains a provision for employment, which, inter alia, provides that one employment may be considered for every two acres of land acquired.

8. In view of the aforesaid policy, petitioner No. 1, on 18.09.2025, submitted an application to respondent No. 1 nominating petitioner No. 2, his son, for grant of employment under the Rehabilitation and Resettlement Policy. The said application is at record page No. 85 (Annexure-6).

9. However, by communication dated 08.10.2025, respondent Nos. 1 and 2 informed the petitioners that, since Regular Civil Suit No. 61 of 2023 had been filed by respondent No. 3 against the petitioners, the aforesaid application for grant of employment could not be considered and that the benefits under the Rehabilitation and Resettlement Policy would be considered only after the decision of the said civil suit.

10. Being aggrieved by the aforesaid communication dated 08.10.2025, the petitioners have approached this Court by filing the present writ petition.

11. Mr. D.Y. Chatap, learned counsel for the petitioners, submits that respondent Nos.1 and 2 were not at all justified in rejecting the petitioners' application for employment under the Rehabilitation and Resettlement Policy solely on the ground that a civil suit was pending at the instance of respondent No.3. He submits that respondent No.3 is bent upon stalling the process of granting employment to the petitioners and has raised such objections with that intention.

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

13. Mr. I.V. Tambi, learned counsel appearing for respondent Nos.1 and 2, has supported the impugned Communication dated 08.10.2025 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. We have heard the learned counsel for the parties and perused the record. The issue involved in the present writ petition is no more *res integra*, as in a similar set of circumstances, this Court, vide its judgment dated 27.04.2023 in the case of ***Mirabai Namdeo Gaurkar and Another*** (supra), has held that civil litigation may consume substantial time and accordingly directed Western Coalfields Limited to process the proposal and grant employment upon furnishing an appropriate undertaking. The relevant paragraphs of the aforesaid judgment read thus:

"5. We do not appreciate the attitude and approach of the WCL, and which we have noticed in matters more than one. It is an admitted position that as on the date of the issuance of the Notification under Section 9 of the Act, and which is the relevant date, the name of Mrs. Mirabai Gaurkar is recorded as the owner of the subject land and as a fact, WCL has paid the monetary compensation to Mrs. Mirabai Gaurkar. The Rehabilitation Policy entitles the land owner to, apart from the monetary compensation, employment. WCL, in our considered view, could not have refused to consider the claim of Mrs. Mirabai Gaurkar on the specious ground that her title to the subject land is under cloud in view of the pendency of the Regular Civil Suit 172/2016.

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

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

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

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

"2. It is submitted that the petitioners have already made prayer in the petition that the respondents 1 & 2 to accept the nomination form, affidavit and complete other formalities as per Rules for the purpose of employment to petitioners 4 to 7 subject to decision of this petition or subject to the final decision of aforementioned RCS no. 117/2015. The petitioners reserve their rights to avail/prefer statutory remedies as per law. The petitioners who are desirous of employment hereby reiterating and giving undertaking that their appointments can be made subject to final outcome of the aforesaid Regular Civil Suit. Other petitioners have no objection for the same. In the event if it is held that the petitioners are not eligible or they have no share in the suit property or any other person are entitled for the employment in place of the present

petitioners, in view of acquisition of land in question, in that event the petitioners shall waive their right of employment and will discontinue the employment upon final decision of aforesaid RCSNo. 117/2015 that may be reached to its finality as per law. The petitioners shall not claim any equity or, any permanency or a like service benefits if the petitioners are appointed provisionally subject to final decision of aforesaid RCS No. 117/2015 that may be reached to its finality as per law."

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

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

15. In view of the above, we do not find any reason to not follow the similar course.

16. Mr. D.Y. Chatap, learned counsel for the petitioners, has filed an additional affidavit on behalf of the petitioners on 27.03.2026. In the said affidavit, the petitioners have stated on oath that a meeting of the Empowered Committee of the Functional Directors of respondent No.1 – WCL was held on 22.01.2026, wherein Item No.381/1 was considered and an important decision was taken.

17. It was resolved that, in cases where no stay or prohibitory order has been passed by any Civil Court or other competent Court, the claims for payment of compensation and grant of Rehabilitation and Resettlement (R&R) benefits, including employment, shall be processed upon obtaining an undertaking and an indemnity bond/declaration from the eligible landowners whose names appear in the 7/12 revenue record as on the date of publication of the notification under Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957.

18. The petitioners have also placed the aforesaid decision on record as Annexure-A1 at record page No.165, which reads thus:

“ITEM NO.381/1

SUB: Proposal for modification in the modalities of the SOP relating to disbursement of Land Compensation and R&R benefits to eligible landowners existing in 7/12 records as on date of publication of Section 9(1) of CBA (A&D) Act, 1957 in line with the orders of Hon'ble High court, Bombay and Hon'ble Supreme Court where Registered civil suit is pending in the court of law.

i) Shri Sachin Kumar Patil, General Manager (L&R) explained the proposal to the Committee.

ii) In consideration of the proposal and after deliberation, the Empowered Committee of Functional Directors headed by CMD, WCL agreed to the proposal and accorded approval for following modification at Point No. 5 in the modalities of the Standard Operating Procedure(SOP) for disbursement of Land Compensation and R&R benefits to eligible landowners approved at 694th meeting of FDs held on 02.12.2016 in line with the orders of Hon'ble High Court, Bombay and Hon'ble Supreme Court where Registered civil suit is pending in the court of law as brought out in the agenda note:

Point No. 5 of the SOP for disbursement of Land Compensation and R&R benefits be substituted as follows:

A. In the cases where subsequent objectors / claimants have not raised their claims timely earlier during course of acquisition as per settled procedure, or they have not objected under section 8(2) of CBA (A&D) Act 1957 with supporting appropriate requisite documents justifying their claims against the recorded owners at the time of section 9(1) and in the cases where no stay or prohibitory order is further issued by Civil court or any other Court and the payment of land compensation and/or R&R benefits is pending, only such cases will be taken into consideration.

Such cases shall be separately examined by Area committee on receipt of application submitted by recorded land owners at the time of Section 9(1) notification and if their name are included in R&R list, with a Legitimate bond and undertaking that if the civil court decides the claim of the objector against the recorded land owner (applicant) as the exclusive owners of the property or put it differently, acknowledges the title of the objector either as an absolute owner or as co-owner, the applicants provided provisional employment under the interim order, shall not claim any equity and shall leave the post on the day on which the verdict is pronounced, and also that all penalties, recovery imposed by company in that situation will be unconditionally binding to him/them.

Such claims and counter claims are to be examined by Area committee on merit in consultation with Legal department of Area.

And if it appears prima facie that the mischievous attempt had been made by subsequent objector that to ensure the rightful claimant whose land is acquired does not get succor of employment by filing ex facie frivolous suit or it appears to the Area committee that the claim of subsequent objector is not on merit or appears illegitimate or the claim of recorded land owners prima - facie appears on merit, then Area Committee will submit the proposal for providing provisional R&R benefits to the landowner recorded at the time of Section 9(1) and name

depicted in R&R list with proper deliberations, observations and findings with the recommendations of AGM.

B. On receipt of such proposals, after its technical vetting, the same will be placed before standing committee for further deliberations and standing committee in consultation with HOD (Legal) will recommend the proposal for placing before competent authority for providing provisional employment subject to condition that if the civil court decides the claim of the objector as the exclusive owners of the property or put it differently, acknowledges the title either as an absolute owner or as co-owner, the landowner who has been provided provisional employment under the provisional order, shall not claim any equity and shall leave the post on the day on which the verdict is pronounced, and also that all conditions and penalties or recovery imposed by company in that situation will be unconditionally binding to him. In order to safeguard the interest of company the draft of such bond/ declaration deed as per appropriate legal proceeding may be get finalized by IR Dept and Legal department of Company.

C. If required by statute or advised by Legal Dept/Panel advocate, the concerned court shall be intimated suitably.

iii) General Manager (L&R) and General Manager (HR&IR) to take necessary action in the matter.”

19. Thus, respondent Nos.1 and 2 have now taken a decision in consonance with the view adopted by this Court in the judgment rendered in ***Mirabai Namdeo Gaurkar and Another (supra)***, as well as in a catena of other judgments.

20. It is pertinent to note that, in the present case, respondent No.3 had filed Regular Civil Suit No.61 of 2023 seeking a declaration, partition and separate possession, along with a decree of perpetual injunction. The application for grant of temporary injunction filed

therein came to be rejected by the learned Trial Court vide order dated 25.04.2025. Thus, in the absence of any stay or prohibitory order passed by the competent Civil Court, the case of the petitioners squarely falls within the criteria adopted by respondent Nos.1 and 2 vide their decision dated 22.01.2026 for considering the petitioners' claim for grant of employment under the Rehabilitation and Resettlement Policy.

21. Accordingly and for the reasons set out in the aforesaid judgment, we allow the petition in the following terms:

- i. We direct respondent Nos.1 and 2 to process the proposal of the petitioners in accordance with SOP for disbursement of land compensation and R & R benefits as adopted in the meeting dated 22.01.2026, and to issue appointment order, unless there is any other legal impediment. This exercise shall be carried out within eight weeks from today.
- ii. We clarify that the proposal shall not be rejected on the ground of pendency of civil suit.
- iii. We further direct the petitioners to file an undertaking before respondent Nos.1 and 2 that the appointment shall be subject to final result in civil suit and in the event it is held that petitioners were not the owners of the aforesaid land and/or

some other persons are entitled to employment, the petitioners shall not claim any benefit on the principle of equity.

iv. The undertaking shall specify that the employment, which may be granted to the petitioners, shall be treated as provisional and contingent upon the outcome of pending civil suit.

v. The parties shall render necessary assistance to the Civil Court for expeditious disposal of the suit.

22. Rule is made absolute in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar