



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

WRIT PETITION (WP) NO. 1157 OF 2018

Shalik Bhagwan Bobade

Versus

Western Coal Fields Limited through its Chairman-cum-Managing Director, Coal Estate, Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anil A.Dhawas, Advocate, Mrs. S.A.Dhawas, Advocate and Ms. Aparna Jha Advocate for the petitioner.

Shri Shauryaman Singh Bisht, Advocate, Shri Gaurar Khatwani, Advocate and Shri Kartik Shukul, Advocate for the respondent no.1.

Shri M.J.Khan, AGP for the respondent no.4/State.

**CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.**

DATED : 16th APRIL, 2026.

By this petition, the petitioner is seeking relief regarding direction to respondents to initiate acquisition proceedings of land of the petitioner bearing survey no. 315 (old Survey No. 13A) admeasuring 0.97 H.R, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. As per the contentions of the learned counsel for the petitioner that he is the owner of the ancestral land bearing new survey no. 315. A very large chunk of land, totalling 277.74 H.R., including the land of the petitioner, was to be acquired by the respondents in the year 1986 for Ghuggus Open Caste mine and a notice dated 16.01.1987 of Gram Panchayat Ghuggus which included the aforesaid land of the petitioner.

3. In June 1987, respondent no.3 entered into an agreement dated 19.06.1987 with the petitioner and other land owners whose lands were to be acquired.

4. On 01.10.1987, the notification under Section 4(1) of the Land Acquisition Act was published in the local newspaper. However, it did not include the land of the petitioner. Thereafter, the award was passed and the compensation and employment was provided to them. As per the contentions of the petitioner that he was not having any knowledge and therefore he could not approach this Court prior to that.

5. Though, the said petition is strongly opposed by the respondent nos. 1 to 3. In the said reply, it is admitted by the respondents that as per the 7/12 extract dated 24.01.2006 land survey no. 315 (Old Survey No. 13-A) admeasuring about 0.97 H.R. belongs to Shri Shalik Bhagwan Bobade, Shrikrishna Bobade and Sonubai Bhagwan Bobade. They acquired the land at Ghugus in accordance with the provisions of the Land Acquisition Act and through direct purchase for mining purposes. It is further contended that due to urgency of mining operations, the respondents entered into the agreements with the respective land owners including the present petitioner and the possession of the land of the petitioner was obtained on an advance payment and an amount of Rs.19,200/- was paid to the petitioner against the land admeasuring 0.97 H.R. It is further submitted that the award was passed by the Land Acquisition Officer, the respondents were bound to pay the remaining amount to the petitioner as per the agreement. However, since the petitioner had already received major part of

the compensation of land, he did not turn up to claim the remaining balance amount of the land compensation as per the terms and conditions of the agreement. It is admitted by respondent nos. 1 to 3 that they are ready to pay interest at the rate of 9% per annum on balance amount at par with the land of other landowners covered under same acquisition/parcels of land acquired at that point of time. The respondents further submitted that an amount of Rs.15,352/- is considered from the date of agreement as 01.06.1987. Since the said date is not mentioned in the agreement, till the filing of the present writ petition can be considered and granted against the balance compensation of land of Rs.4,080/- alongwith 9% interest till the realisation of the amount.

6. Learned counsel for the petitioner accepted the said statement. The petitioner had accepted the proposal of respondent nos. 1 to 3 that the remaining amount will be paid alongwith interest 9% from the date of agreement and claimed interest be paid till realisation of amount.

7. Considering the statement, the writ petition is disposed of with a direction that respondent nos. 1 to 3 shall pay the balance amount of compensation of land from 01.06.1987 till realisation @ 9% per annum to the petitioner within eight weeks from today. On failure to do so, respondent nos. 1 to 3 further directed to pay the interest @ 7% per annum in addition to 9% per annum.

8. With this, the writ petition is disposed of.

[JUDGE]

[JUDGE]