

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

First Appeal No.296 OF 2017

Motriam Vyanka Paipare

vs.

Western Coalfields Ltd.

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A.B.Nakshane, Advocate for the Appellant.
Shri Rohan Chandurkar, Advocate for Respondent.

CORAM : MILIND N. JADHAV, J.

DATED : 13/01/2020.

Heard Shri Nakshane, learned counsel appearing for the Appellant and Shri Chandurkar, learned counsel for the Respondent.

2. Learned Counsel for the Appellant submits that the present case is duly covered by the order passed by the Division Bench of this Court in the group of cases namely Writ Petition 3521 of 2016 along with Writ Petition Nos.3522/2016 and 6890/2016 on 19.11.2019. He submits that the applicability of the Government Resolution dated 22.8.2012 for the purpose of computation and valuation and arriving at the total compensation in respect of the lands of the Appellant in the present case, will have to be considered by the Respondent i.e. Western Coalfields Limited.

3. Shri Chandurkar, learned counsel appearing for the Respondent fairly submits that case of the Appellant, as also similar cases, are under consideration of the Respondent at present and in all likelihood they are likely to be considered. At this stage, he requested the Court that instead of case of the Applicant, it may be stated that the Resolution dated 22.8.2012 is under consideration.

4. Be that as it may, acquisition of any nature and especially land acquisition is done under the power of eminent domain of State against the wishes of the land owner for the purpose of development or otherwise, in such a case the land owners have no say. Lands are acquired in accordance with the procedure established by law and compensation is awarded under the Award which is challenged before the Reference Court for enhancement.

5. Shri Chandurkar, learned counsel, also informs that a bunch of similarly placed cases are being heard by this Court and the same are fixed for final disposal on 26.2.2020 in order to enable the Respondent i.e. Western Coalfields Limited to consider the said cases in terms of the applicability of the Government Resolution dated 22.8.2012 and inform the Court accordingly. He fairly submits that since the present case is also identical and similar to the said cases, the present

case be placed along with those cases on 26.2.2020. He undertakes to give numbers of the said cases to the Court.

6. Shri Chandurkar, learned counsel, also prayed for filing his Vakalatnama on behalf of the Respondent within a period of one week from today.

7. Stand over to 26.2.2020 along with connected cases.

JUDGE

Ambulkar