



SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (Art.227) NO. 2545 OF 2010

PETITIONERS :
(Defendants)

1. South Eastern
Coalfields Limited,
Dipka Area, through its
Chief General Manager,
South Eastern
Coalfields Limited,
District Korba (CG)
2. Chief General Manager,
South Eastern
Coalfields Limited,
Dipka Area, District
Korba (CG)

P.R. No. 2766/2010
Presented by Shri Shailendra Shukla
dated 24.1.2010



Vs

RESPONDENTS :
(Plaintiff)

1. M/s Spectrum Coal &
Power Limited, through
its Senior General
Manager Shri Sushant
Kumar Dutta, aged 54
years, son of Shri Pulin
Bihari Dutta, Caste-
Kayasth, resident of
Village Ratija, Post
Nonbira, Tehsil Pali,
District Korba (CG)

Shailendra Shukla

PROPOSED/INTERVENER

2. M/s Maruti Clean Coal & Power Limited, Vidya Nagar, Bilaspur through its Director Shri Ram Awtar Agarwal, son of Late Jagmohan Das Agarwal, aged about 46 years, resident of Vidya Nagar, Bilaspur (CG)

PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA



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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

W.P. (227) No. 2545/2010.

Petitioners
(Defendants)

: South Eastern Coalfields Limited and another

Versus

Respondents
(Plaintiffs)

: M/s. Spectrum Coal & Power Limited and another

Writ petition under Article 227 of the Constitution of India.

Present:-

Dr. N.K. Shukla, Senior Advocate with Shri Shailendra Shukla, counsel for the petitioners.
Shri V.K. Dubey, Shri R.S. Marhas, Shri R.P. Singh and Shri Amrito Das, counsel for respondent No.1/caveator.
Shri Kshitij Sharma, counsel for the proposed intervener (as shown in the cause title of this writ petition)

ORAL ORDER
(26.05.2010)

With the consent of learned counsel for the parties, the matter is finally disposed of.

2. Learned Senior Advocate appearing for the petitioners submits that he is aggrieved by the communication issued by the trial Judge on 19.05.2010 (Annexure-P/7) on the ground that by this communication, it has been informed to the petitioners that the order of status-quo, passed by the trial Court on 07.05.2010 shall remain operative in spite of the fact that the trial Judge was on leave on 13.05.2010. It is submitted by him that the order of status-quo passed on 07.05.2010 was operative only till the next date of hearing and the same was not extended on 13.05.2010, since the Court was not available on that day. However, on



18.05.2010, an order was passed on plaintiff's application under Section 151 C.P.C. and also explaining that the order passed on 07.05.2010 is still operative and this was done without hearing the petitioners. According to the learned counsel for the petitioners, the communication (Annxeure-P/7) does not refer to the order passed by the trial Court on 18.05.2010 and the same was passed behind the back of the petitioners. Learned counsel for the petitioners submits that because of the order of status-quo, the petitioner/Company is suffering irreparably inasmuch as transportation of coal belonging to the petitioner/company for taking it to the railway siding is severely affected. He also submits that the routine operation of the petitioner/company is affected and since, according to the petitioner, the status-quo order ceased to operate after 13.05.2010, the impugned communication ought not have been issued by the learned judge.

3. Learned counsel for respondent No.1, submits that the area through which the petitioner is trying to transport the coal falls within the lease area and that the petitioner has no authority to transport the coal through his land. He also submits that the petitioner has not challenged the order passed by the trial judge on 18.05.2010.

4. Be that as it may and without entering into the merits of the case, since both the parties have agreed for issuance of direction to trial Court for disposal of the application under Order 39 Rule 1 & 2 of C.P.C. and under Order 7 Rule 11 of C.P.C. as early as possible, it is directed that the learned trial Judge shall do well to dispose of those applications as early as possible, more so when



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arguments have already been concluded on the subject applications.

5. It is informed that the learned trial Judge is on leave. Learned counsel for the parties submit that they shall appear before the trial Judge as soon as he resumes duties after completion of his leave either during the summer vacation or immediately after the summer vacation.

6. Since the learned trial Judge has observed that serious disputes are taking place on the spot, and the operation of the transportation of coal of the petitioner/company is severely affected, it is expected from the trial Court to deal with the matter during the summer vacation, if the Court is available.

7. With this observation, the instant petition stands finally disposed of.

Sd/-
Prashant Kumar Mishra
Judge

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