Federation of Mining Association of Rajasthan Vs. the State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Jan-24-1992

Reported in : 1992(1)WLN104

Judge : B.R. Arora, J.

Appeal No. : S.B. Civil Misc. Stay Petition No. 6155 of 1991

Appellant : Federation of Mining Association of Rajasthan

Respondent : The State of Rajasthan and ors.

Judgement :

B.R. Arora, J.

1. The petitioner has moved this application stating therein that while granting the stay, this Court directed the respondents not to take corecive steps for the recovery of the amount of land-tax as and royalty relating to the period prior to August 30, 1991. The case of the petitioner is that though a specific direction was given by this Court while granting the stay on December 12,1991, not to take coercive steps for the realisation of the land-tax, but still the respondents are taking the coercive steps, namely by not issuing the 'RAWANA' book. No Dues Certificate, and deliberately keeping the Renewal application pending in order to

recover the land-tax, which according to law is not payable and regarding which the stay has been granted by this Court . The detention of the 'RAWANA' book and not issuing the 'No Dues Certificate' as well as not renewing the lease of the petitioner and deliberately keeping the renewal application pending amount to taking coercive steps for the recovery of the land-tax.

2. The question which requires consideration in the present case, is : what does the word 'coercive' mean?

3. According to the dictionary meaning of the word 'coercion' means serving or intented to coera, being or exerting coercion; Coercion is some form or act which encroaches upon the natural freedom of an individual and it means a duress exercised by a therat or wrongful conduct of a dominating authority. Any pressure put- up on the mind of other person which over-powers the mind of that person amounts to coercion. To constitute 'coercion', there must be some unlawful act or conduct on the part of the dominating party sufficient to constrain the other person, against his will, to do or refrain from doing something which he has a legal right to do or refuse to do and which results in damages to him, but an uneremitting persuation does not constitute coercion. Coercion involves something in the nature of negation of choice and the moment the person, who influences the other does so by the threat of not issuing the 'RAWANA' book or detaining the 'No Objection Certificate' or not considering the renewal application and preventing the petitioner form taking the advantage of not depositing the land-tax, which was stayed by the Court, clearly amount to use of 'coercion' by the respondent. This conduct of the respondents the 'RAWANA' book or 'No Objection Certificate' and not considering the application for the recovery of the amount of land-tax, which was stayed by this Court , amount to coercive conduct of the respondent as it operates to force unreasonable terms and conditions upon the petitioner which will unnecessarily burdens him to deposit the land tax and force him to do what he was not supposed to do. This clearly amounts to a wrongful interference with the free will of the petitioner. The respondents, in view of the stay order passed by this Court , was not entitled to get the amount of land tax of the period prior to August 30, 1991, and in the garb of not issuing the 'RAWANA' book or not issuing the 'No Objection Certificate' and not considering the renewal application on the pretext that unless

the amount is paid they will not be done, clearly amount to coercion. The respondents, therefore, cannot refuse to issue the 'RAWANA' book or the 'No Objection Certificate' if the petitioner is otherwise entitled to get the same and the respondents, also, cannot refuse the consideration of the renewal application on this score as it amounts to taking coercive measure and for which the respondents are restrained.

4. With these observations, the application, filed by the petitioner, is disposed of.