



2026:CGHC:13517



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 290 of 2020**

1 - Sunil Bansal S/o Late Om Prakash Bansal Aged About 46 Years R/o Sarla Vila 205, Raigarh, Tahsil , Raigarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Naya Mantralaya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

2 - Collector, Raigarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

3 - Sub Divisional Officer, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

4 - Director (Project), Power Grid Corporation Of India Limited Reg. Office - B - 9, Qutab Institutional Area Katwaria Sarai New Delhi 110016., District : New Delhi, Delhi.



5 - Deputy Director Power Grid Corporation Of India Limited, Branch
Office Kotra Road, Raigarh, District - Raigarh Chhattisgarh., District :
Raigarh, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Suman Kesari, Advocate on behalf of Mr. Amit Sharma, Advocate.
For Respondent(s)/State	:	Mr. D.R. Minj, Dy. A.G.
For Respondents No. 4 & 5	:	Mr. Ghanshyam Patel, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/03/2026

1. By way of this petition, the petitioner has prayed for following
reliefs:-

*"10.1 That this Hon'ble Court may kindly be pleased to call
the entire record relating to the case of the petitioner.*

*10.2 That, this Hon'ble Court may kindly be pleased to
declare the notification dtd 29.11.2016 is against the article
14 and 31A of constitution of India.*

*10.3 That, this Hon'ble Court may kindly be pleased to
issue a writ of certiori and quash the Notification dtd
29.11.2016 and order dtd 18.09.2019 directing to
Respondent authority to recalculate the compensation use
the 85% of Market value ratio.*

*10.4 That, this Hon'ble Court may kindly be pleased to
issue a writ of Mandamus directing to Respondent*



authority to recalculate the compensation use the 85% of Market value ratio and full term of damages as per section 10 and 16 of Telegraph act 1885.

10.5 Any other relief deems fit just and proper may also be passed in favour of the petitioner.

10.6 Cost of the petition may also be granted to the petitioners.”

2. Brief facts of the case, is that, the petitioner is the owner of land bearing Khasra No. 830/04, admeasuring approximately 0.186 hectares, situated at Village Pussore, District Raigarh, upon which Respondent No. 3 has erected a 400 kV transmission line passing through the middle of the said land; and that, in terms of Sections 67 and 68 of the Electricity Act, 2003 read with Sections 10 and 16 of the Indian Telegraph Act, 1885, the authorities have assessed compensation for damage to the land, including diminution in its value and restrictions on its use, and have awarded an amount of Rs. 30,72,300/- in accordance with the Government notification prescribing compensation for right of way at 15% of the market value of the land, whereas in cases involving erection of towers on land, compensation is assessed at 85% of the market value. It is submitted that such differential treatment is arbitrary and amounts to artificial discrimination, contrary to the provisions of the Telegraph Act, which mandate payment of compensation commensurate with the actual damage suffered by the landowner, particularly in a case like the present one where



substantial restrictions on the use of the entire land effectively diminish its value and utility. It is further submitted that while land falling under the transmission corridor may remain partially usable, it nonetheless suffers significant loss in value due to restrictions on usage and limitations on future development prospects beyond agricultural purposes, which ought to be duly considered while determining compensation based on the nature and location of the land. The petitioner contends that similarly situated persons have been awarded compensation at vastly differing rates—85% in some cases and only 15% in others—thereby violating the principles of equality enshrined under Articles 14 and 19 of the Constitution of India, as well as the second proviso to Article 31-A, and hence, being aggrieved by such arbitrary and discriminatory treatment, the petitioner has preferred the present petition.

3. Learned counsel for the petitioner submits that the action of the respondent authorities is contrary to the facts and circumstances of the case and violative of the settled principles of law, it is submitted that, in terms of Sections 67 and 68 of the Electricity Act, 2003 read with Sections 10 and 16 of the Indian Telegraph Act, 1885, the authorities have assessed compensation for diminution in the value of land caused by the laying of transmission lines and restrictions on land use, and have awarded a sum of Rs. 30,72,300/- by applying the Government notification which prescribes compensation at 15% of the market value for



right of way, whereas in cases involving erection of transmission towers, compensation is fixed at 85% of the market value; such differential treatment amounts to artificial and unreasonable discrimination and is contrary to the statutory mandate requiring payment of compensation commensurate with the actual damage suffered by the landowner, particularly when, in the present case, substantial restrictions effectively impair the use and value of the petitioner's entire land. It is further submitted that although land falling within a transmission corridor may remain partially usable, it nonetheless suffers considerable diminution in value due to restrictions on its use and limitations on future developmental prospects beyond agricultural purposes, which factors ought to be duly considered while determining just compensation depending upon the nature and location of the land, and the same rigid formula cannot be uniformly applied in all cases. The petitioner contends that similarly situated landowners have been granted compensation at varying rates—85% in some instances and only 15% in others—thereby violating the guarantees of equality under Articles 14 and 19 of the Constitution of India as well as the second proviso to Article 31-A. It is also contended that the failure of the respondent authorities to refer the matter to the appropriate authority renders their action illegal, arbitrary, and high-handed, and the impugned notification is further contrary to the directive principles enshrined under Article 39 of the Constitution. Reliance is also placed on the judgment in Nagpur Improvement Trust,



wherein it has been held that classification based solely on public purpose is ordinarily impermissible under Article 14, and the existence of multiple legal frameworks enabling differential treatment of similarly situated landowners further offends Articles 14 and 39. It is submitted that agriculture, being the backbone of agrarian legislation, places the farmer at its centre, and any acquisition or imposition of restrictions without adequate and fair compensation would defeat the very object of Article 31-A of the Constitution. It is further pointed out that earlier notifications provided compensation at the rate of 50% for erection of towers and 20% for right of way, however, the subsequent notification dated 20.02.2015 arbitrarily reduced the rate for right of way to 15% while increasing the rate for tower erection to 85%, which is manifestly discriminatory and violative of Article 14 of the Constitution of India.

4. Learned counsel for respondents No. 4 and 5 submits that the claim of the petitioner for enhancement of compensation has already been duly considered and rejected by the concerned District Judge, vide order dated 18.09.2019, and therefore, in view of the said adjudication, no further relief, as sought in the present petition, survives for consideration by this Hon'ble Court.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Upon a careful perusal of the reliefs sought by the petitioner, it clearly emerges that the principal challenge in the present petition



is directed against the validity of the notification dated 29.11.2016, which has been assailed on the ground that it is violative of the provisions contained in Articles 14 and 31-A of the Constitution of India and is, therefore, liable to be quashed. Although the petitioner has, in addition, sought certain ancillary reliefs, including a direction for re-calculation of compensation consequent upon the quashing of the said notification, the dominant and substantive relief, as reflected from the pleadings, is to have the notification dated 29.11.2016 declared unconstitutional. In essence, the petitioner seeks a declaration that the aforesaid notification is ultra vires the Constitution of India and, consequently, unenforceable in law.

7. Further, upon a perusal of the record, it transpires that the petitioner has not sought any relief with respect to the earlier notification dated 15.10.2015 issued by the Government of India, and the impugned notification dated 29.11.2016 appears to have been issued merely in furtherance and implementation of the said earlier notification; therefore, in the absence of any challenge to the foundational notification, the present petition, from all perspectives, appears to be not maintainable. It is also noteworthy that the Government of India, being the authority which issued the parent notification, has not been impleaded as a party respondent in the present proceedings. In such circumstances, without entering into the merits of the case and confining the consideration solely to the issue of maintainability, this Court is of



the considered opinion that the petition is not maintainable and is liable to be **dismissed** at this stage. However, liberty is reserved in favour of the petitioner to approach the competent court by appropriately challenging the relevant notification in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat