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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 613 of 2020

1 - Madhu Chandrakar W/o Yomit Chandrakar Aged About 36 Years R/o Bajrang Chowk, Kurud, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2 - Collector Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

3 - Land Acquisition Officer/ Prescribed Officer Sub Divisional Officer (Revenue) Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

5 - Sub Divisional Officer (Revenue) Patan District Durg Chhattisgarh, District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T. V. Tower, Anupam Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

--- **Respondent(s)**

WPC No. 565 of 2020

1 - Harsha Asrani D/o Gurmukh Makhijani Aged About 41 Years R/o P.D. Colony, Ward No. 18, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---**Petitioner(s)**

Versus



- 1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
 - 2 - Collector Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
 - 3 - Land Acquisition Officer/prescribed Officer Sub-Divisional Officer (Revenue), Patan, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
 - 4 - National Highway Authority Of India, Through Project Director, Project Implementation Unit, Dhamtari, District-Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
 - 5 - Sub-Divisional Officer (Revenue) Patan, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
 - 6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
 - 7 - Tahsildar Patan, District- Durg Chhattisgarh., District : Durg, Chhattisgarh
- Respondent(s)

WPC No. 510 of 2020

- 1 - Gayatri Chandrakar W/o Vishwanath Chandrakar Aged About 36 Years R/o Sarojni Chowk, Kurud, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
- Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Secretary, Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
- 2 - Collector Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 3 - Land Acquisition Officer/prescribed Officer Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
- 5 - Sub Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
- 7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh



--- Respondent(s)

WPC No. 454 of 2020

1 - Bhupendra Chandrakar S/o- Girdhari Lal Chandrakar Aged About 44 Years R/o Sarojni Chowk, Kurud, District- Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - Collector Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

3 - Land Acquisition Officer/ Prescribed Officer Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

5 - Sub- Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 447 of 2020

1 - Devbati Chandrakar W/o. Homendra Chandrakar Aged About 58 Years R/o Bajrang Chowk, Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through- Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer / Prescribed Officer Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh



4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

5 - Sub-Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 452 of 2020

1 - Kamla Chandrakar W/o Tejendra Chandrakar Aged About 66 Years R/o Bajrang Chowk, Kurud, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer/ Prescribed Officer Sub Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

5 - Sub Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 456 of 2020

1 - Seema Chandrakar W/o Roshan Chandrakar Aged About 33 Years R/o Bajrang Chowk , Kurud, District Dhamtari , Chhattisgarh., District : Dhamtari, Chhattisgarh



---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary , Public Works Department, Mahanadi Bhawan , Mantralaya , Capital Complex , Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer/ Prescribed Officer Sub Divisional Officer (Revenue) , Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari , District Dhamtari , Chhattisgarh., District : Dhamtari, Chhattisgarh

5 - Sub Divisional Officer (Revenue) Patan, District Durg , Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway , Government Of India , Regional Office, Raipur Through Its Regional Officer, House No. I -21, Near T.V. Tower, Anupam Nagar , Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar Patan , District Durg Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 3581 of 2019

1 - Yugal Kishor Chandrakar S/o Shri Gaidnlal Chandrakar Aged About 46 Years R/o Sanjay Nagar, Kurud, Tahsil Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - Union Of India Through - The Secretary, Ministry Of Road, Transport And Highways New Delhi - 110001, District : New Delhi, Delhi

2 - National Highway Authorities Of India Through - The Project Director, Project Implementation Unit, 5196 Behind B T I College, Shankar Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - State Of Chhattisgarh Through - The Secretary, Public Works Department Mantralaya Mahanadi Bhawan Naya Raipur District - Raipur Chhattisgarh.

4 - State Of Chhattisgarh Through - The Secretary, Department Of Revenue Mantralaya Mahanadi Bhawan Naya Raipur District - Raipur Chhattisgarh.

5 - Collector District - Durg Chhattisgarh.



6 - Sub Divisional Officer (Rev .) And Land - Acquisition Officer, Patan, District Durg Chhattisgarh.

7 - Tahsildar Patan, District Durg Chhattisgarh.

8 - Pramod Kumar Tripathi S/o Late P.S. Tripathi, Aged About 61 Years R/o 43 - A / 6 Nehru Nagar (West) Bhilai, District Durg Chhattisgarh.

--- Respondent(s)

WPC No. 539 of 2020

1 - Barkha Asrani W/o Vijay Kumar Asrani Aged About 39 Years R/o Near Dena Bank, Bastar Road, Dhamtari, District-Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh, District : Raipur, Chhattisgarh

2 - Collector Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

3 - Land Acquisition Officer/prescribed Officer Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

5 - Sub-Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway,government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 458 of 2020

1 - Dhawni Chandrakar W/o. Yugal Kishor Chandrakar, Aged About 41 Years R/o Sanjay Nagar, Kurud, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh



- 2 - Collector, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh
- 3 - Land Acquisition Officer/ Prescribed Officer, Sub Divisional Officer (Revenue), Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh
- 4 - National Highway Authority Of India, Through Project Director, Project Implementatiion Unit, Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh
- 5 - Sub Divisional Officer (Revenue), Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh
- 6 - National Highway Authority Of India, Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 7 - Tahsildar, Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh
--- Respondent(s)

WPC No. 443 of 2020

- 1 - Girdhari Lal Chandrakar S/o Lakhan Lal Chandrakar Aged About 77 Years R/o Sarojni Chowk, Kurud, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
---Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
- 2 - Collector Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 3 - Land Acquisition Officer/ Prescribed Officer Sub Divisional Office (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
- 5 - Sub Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
- 6 - National Highway Authorigy Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
- 7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
--- Respondent(s)

**WPC No. 442 of 2020**

1 - Vishwanath Chandrakar S/o. Girdhari Lal Chandrakar Aged About 47 Years R/o Sarojni Chowk, Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through- Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer / Prescribed Officer Sub-Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

5 - Sub-Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 433 of 2020

1 - Vijay Asrani S/o Meghraj Asrani Aged About 42 Years R/o Near Dena Bank, Bastar Road, Dhamtari, District - Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Project Director, Project Implementation Unit, Dhamtari, District - Dhamtari, Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer / Prescribed Officer, Sub - Divisional Officer (Revenue), Patan, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh

4 - National Highway Authority Of India, Through Project Director, Project Implementation Unit, Dhamtari, District - Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh



5 - Sub - Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India, Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I - 21, Near T. V. Tower, Anupam Nagar, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar, Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 429 of 2020

1 - Sheela Asrani W/o Late Meghraj Asrani Aged About 67 Years R/o Near Dena Bank, Bastar Road, Dhamari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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

3 - Land Acquisition Officer/ Prescribed Officer Sub Divisional Officer (Revenue), Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

4 - National Highway Authority Of India Through Project Director, Project Implementation Unit, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

5 - Sub Divisional Officer (Revenue) Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

6 - National Highway Authority Of India Ministry Of Road Transport And Highway, Government Of India, Regional Office, Raipur Through Its Regional Officer, House No. I-21, Near T.V. Tower, Anupam Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

7 - Tahsildar Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 3580 of 2019

1 - Yamit Chandrakar S/o Shri Tejendra Chandrakar Aged About 37 Years R/o Bajrang Chawk Kurud, Tahsil Kurud, District Dhamtari, Chhattisgarh.

---Petitioner(s)

Versus



- 1 - Union Of India Through The Secretary, Ministry Of Road, Transport And Highways New Delhi.
- 2 - National Highway Authorities Of India Through The Project Director, Project Implementation Unit 5196 Behind Bti College, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.
- 3 - State Of Chhattisgarh Through The Secretary, Public Works Department Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
- 4 - State Of Chhattisgarh Through The Secretary, Department Of Revenue Mantralaya Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
- 5 - Collector District Durg, Chhattisgarh.
- 6 - Sub Divisional Officer (Rev.) Land-Acquisition Officer Patan, District Durg, Chhattisgarh.
- 7 - Tahsildar Patan, District Durg, Chhattisgarh.
- 8 - Pramod Kumar Tripathi S/o Late P.S. Tripathi Aged About 61 Years R/o 43-A/6 Nehru Nagar (West) Bhilai, District Durg, Chhattisgarh.

--- Respondent(s)

For respective Petitioner(s)	:	Shri Manoj Paranjpe, Senior Advocate along with Shri Rishabh Gupta and Shri Mayank Chandrakar, Advocates.
For State/Res(s)	:	Shri Anand Dadariya, Dy AG.
For Respondent-NHAI	:	Shri B Gopa Kumar, Advocate.
For Respondent- Union of India	:	Ms. Annapurna Tiwari, CGC.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

08/05/2026

1. In all these writ petitions, the petitioners have raised a common grievance that they are purchasers of land which has been subsequently acquired by the Sub-Divisional Officer (Revenue)- cum- Land Acquisition Officer, however, since their names were not mutated in the revenue records on the basis of their purchase of the land through registered sale deed, as such, compensation was calculated in the name of previous owners and award has been passed in favour of



previous owners who have sold the property to the respective petitioners vide registered sale deed.

2. The petitioners in all these case have somewhat prayed for the similar reliefs, however, for the purposes of disposal and to avoid any complexity, facts pleaded in WPC No.613 of 2020 is being taken a lead case.
3. The petitioner has prayed for the following reliefs:-

1] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders and direction/directions quashing the impugned order dated 25.05.2019, passed by Land Acquisition Officer in Revenue Case No. 2A/82/Year 2018-19, 4/6 281/19 Lane Durg-Raipur Bypass National Highway and the Sub-Divisional Officer (Revenue) may kindly be directed to decide the objection afresh after affording reasonable opportunity of being heard on the objection of the petitioner.

2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders and direction/directions quashing the common notification issued under Section 3D and 3G of the Act of 1956 dated 06.09.2018, published on 27.09.2018.

3] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders and direction/directions quashing the order of the Collector dated 24.02.2018, in the interest of justice and petitioner may kindly be held to be entitled to receive the payment of compensation.

4] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders and direction/directions quashing the impugned orders dated 24.02.2018 (Annex.P3) passed by Respondent No. 2, order dated 27.05.2019 (Annex.P/8) passed by Respondent No. 5 and order dated 31.05.2019 passed by Respondent No. 7 (Annex.P/9).

5] To issue an appropriate writ or order and direct the respondents to mutate the name of the petitioner in revenue records for land purchased by the petitioner in place of the erstwhile owner for the limited purposes of receiving compensation and other rights incidental thereto.

6] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

4. Description of the land purchased by the petitioners is as follows:-



Writ Petition (C) Number	Subject land (area in hectare)
613/2020	Khasra No.156/3, area 0.05 and Khasra No.163/6, area 0.09.
3580/2019	Khasra No.163/6 , area 0.11
3581/2019	Khasra No.156/3 , area 0.050 and Khasra No.163/6, area 0.100
429/2020	Khasra No.152, area 0.10 and Khasra No.158, area 0.10
433/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
442/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
443/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
447/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
452/2020	Khasra No.156/3, area 0.02 and Khasra No.163/6, area 0.09
454/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
456/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
458/2020	Khasra No.156/3, area 0.05 and Khasra No.163/6, area 0.10
510/2020	Khasra No.152, area 0.07 and Khasra No.158, area 0.05
539/2020	Khasra No.152, area 0.10 and Khasra No.158, area 0.10
565/2020	Khasra No.163/6, area 0.11

5. Facts of the case as unfurled by the petitioners is like that the petitioners have purchased land bearing respect khasra numbers as mentioned in the above table situated at village Selud Patan, Tehsil Patan District Chhattisgarh vide registered sale deed dated 22.02.2018. On 24.2.2018, the office of Collector (Land Acquisition) Durg C.G. passed an order prohibiting sale, purchase, diversion, *batankan* etc of land of the petitioners as the same is to be acquired for the purposes of *Bharat Mala Pariyojana* pursuant to the letter dated 18.11.2017 of National Highway Authority of India under Ministry of Road



Transport and Highways, Government of India for construction of Raipur-Durg bypass road. Any sale, purchase, diversion, *batankan* in respect of affected khasra numbers relating to Tehsil Durg and Patan and adjoining hundred meters land from both sides is prohibited. The said letter was issued under Section 3A of the National Highways Act, 1956 (hereinafter "**the Act of 1956**"). Family partition etc in respect of division of land was also directed to be considered after consent of the Land Acquisition Officer. It is case of the petitioners that after purchase of the land, petitioners moved an application for mutation of their names in the revenue records, however, the said applications came to be rejected by the concerned Tehsildar on the basis of order dated 24.02.2018. It was the case of the petitioners that they were not having knowledge about the acquisition of the lands as purchased by them. They are *bona fide* purchasers of land and they were unaware that the land which they have purchased will be acquired by the Government under the Bharat Mala Project. They contended that since land has been purchased on 22.02.2018 prior to issuance of order dated 24.02.2018, as such, their names were required to be recorded in the revenue records as it is a case in which they have purchased the property prior to issuance of the order dated 24.02.2018.

6. The petitioners have pleaded that the issuance of order dated 24.02.2018 is not in accordance with law as that order cannot be given retrospective effect and since the petitioners have purchased the land prior to issuance of order dated 24.02.2018, as such, they are entitled for mutation of their name in the revenue records as well as to get compensation.
7. Further case of the petitioners is that before issuance of impugned notice, Sections 3C and 3G have not been complied with and no separate notice or



opportunity of hearing was given to the petitioners so to hear their objections.

As soon as the petitioner got the knowledge, an application was moved raising objections, however, the Sub-Divisional Officer-cum-Land Acquisition Officer Patan rejected their applications stating that since the order dated 24.02.2018 has been passed by the Collector in respect of prohibition of purchase and sale of land, therefore, mutation cannot be done. It is further pleaded that petitioners have purchased the property in question prior to acquisition proceedings and as such, after purchasing the property in question they are entitled for get the land mutated in their names in the revenue records but since the same is not the case, compensation has been calculated in the name of previous land owners.

8. Learned Senior counsel appearing for the petitioners submits that since proper opportunity of hearing was not provided to the land owners i.e. the petitioners herein who have purchased the property prior to the issuance of the notice dated 24.02.2018 and further, neither any personal notice has been issued to them as such, they were not aware about the same and as such, they could not raise proper objections. It was also urged that the provisions contained under Section 3G has not been complied with in the present case. The concerned Collector who has passed the order dated 24.02.2018 has not considered this vital aspect regarding grant of opportunity of hearing to the petitioners/land owners and without following the specific norms as prescribed in the Act of 1956, the acquisition proceedings have been initiated which were culminated in the final award passed on 20.11.2019 by the Competent Authority, Land Acquisition and Sub Divisional Officer (Revenue). The award has been passed in favour of the previous land owners who have sold the property on 22.02.2018 to the petitioners and since mutation of the land has not been done in the name



of petitioners, the award has been passed in favour of the previous owners and not in favour of the petitioners. Even if the act of rejection of mutation is kept aside for a moment, then also proper opportunity of hearing has not been given to the petitioners as mandated in the Act of 1956.

9. The Land Acquisition Officer, Collector as well as other concerned officers are required to give appropriate opportunity of hearing to the petitioners who have purchased the the property prior to issuance of notice dated 24.02.2018.
10. Learned counsel for the State submits vehemently opposes the aforesaid submission while submitting that it is case in which earlier, vide letter bearing No.11754/Ro-Raipur Bilaspur-Urga-Patthalgaon/LA 3A-3D/885 dated 18.11.2017 of Regional Office, Raipur of National Highway Authority of India under Ministry of Road Transport and Highways, Government of India for construction of Raipur-Durg bypass road has been issued under Section 3A and 3D of the Act of 1956, making it amply clear that land is to be acquired in respect of Raipur- Durg road construction under Bharat Mala Project, as such, taking advantage of the aforesaid notification issued under Section 3D of the Act of 1956, the present petitioners have purchased the property in question to get compensation as such, the petitioners cannot claim that they were bona fide purchaser of the property. On the contrary, it appears that knowing well that the land is to be acquired by the Government, they have purchased the land in order to get compensation and as such, the action taken by the respondent authorities is in consonance with the Act of 1956, as such, no relief can be granted to the petitioner.
11. Learned counsel for NHAI submits that relief as claimed by the petitioners cannot be granted as knowing fully well about the acquisition vide letter dated



18.11.2017, they have purchased the land in question. Claim of the petitioners that they are bona fide purchasers cannot be accepted in view of the fact that letter regarding acquisition has already been issued on 18.11.2017 and subsequently order dated 24.02.2018 has been passed which in continuation of notice dated 18.11.2017. The date of purchase itself goes to show that the purchase was not bona fide as two days prior to issuance of order dated 24.02.2018, property in question was purchased by the petitioners on 22.02.2018, from which clouds of doubt emerge.

12. I have heard learned counsel for the parties and perused the material available with the petitions.
13. To effectively consider the lis involved in the present batch of writ petitions, it would be appropriate to extract the relevant statutory provisions contained in Sections 3A, 3C, 3D, 3G and Section 3H of the Act of 1956, which govern the procedure for acquisition of land and determination and disbursement of compensation.

3A. Power to acquire land, etc.—

(1)Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2)Every notification under sub-section (1) shall give a brief description of the land.

(3)The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3C. Hearing of objections.—

(1)Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.



(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. Declaration of acquisition.—

(1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

3G. Determination of amount payable as compensation.—

(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.



(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 3A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

3H. Deposit and payment of amount.—

(1) The amount determined under section 3G shall be deposited by



the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

14. From the perusal of record, it appears that a letter dated 18.11.2017 has been issued by the Regional Office Raipur regarding construction of Raipur-Durg Bypass and acquisition of affected land thereof, however, so far as knowledge of the aforesaid letter is concerned, it cannot be said that the petitioners had knowledge of the said letter. Further so far as Section 3 H (4) of the Act of 1956 is concerned, it appears that when a dispute arises as to the amount of compensation payable to any person, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the



limits of whose jurisdiction the land is situated. Now coming to the prayer clause as prayed by the petitioner in this case.

15. As per prayer clause 10.1 of the writ petition, whereby the petitioners have prayed that the Sub Divisional Officer (Revenue) may be directed to hear objections of the petitioners while giving due opportunity of hearing to them.
16. When the case is examined in light of the aforesaid prayer made by the petitioner in view of the law laid down by the Hon'ble Supreme Court in the matter of **V. Chandrasekaran and Another v. Administrative Officer and Others, (2012) 12 SCC 133**, in para 18, which reads as under:-

18. In view of the above, the law on the issue can be summarised to the effect that a person who purchases land subsequent to the issuance of a Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title.

17. Further, in the matter of **New Okhla Industrial Development Authority vs. Darshan Lal Bohra and Others** reported in **2024 SCC OnLine SC 1690**, held in para 27 as follows:-

27. We may usefully cite Rajasthan State Industrial Development & Investment Corpn. v. Subhash Sindhi Coop. Housing Society ({2013} 5 SCC 427), in this context which summed up the past precedents observing that:

"13. There can be no quarrel with respect to the settled legal proposition that a purchaser, subsequent to the issuance of a Section 4 notification in respect of the land, cannot challenge the acquisition proceedings, and can only claim compensation as the sale transaction in such a situation is void qua the Government. Any such encumbrance created by the owner, or any transfer of the land in question, that is made after the issuance of such a notification, would be deemed to be void and would not be binding on the Government. (Vide Gian Chand v. Gopala [(1995) 2 SCC 528], Yadu Nandan Garg v. State of Rajasthan [(1996) 1 SCC



334 : AIR 1996 SC 520], Jaipur Development Authority v. Mahavir Housing Coop. Society [(1996) 11 SCC 229], Jaipur Development Authority v. Daulat Mal Jain [(1997) 1 SCC 35], Meera Sahni v. Lt. Governor of Delhi [(2008) 9 SCC 177], Har Narain v. Mam Chand [(2010) 13 SCC 128 : (2010) 4 SCC (Civ) 793] and V. Chandrasekaran v. Administrative Officer [(2012) 12 SCC 133 : (2013) 2 SCC (Civ) 136 : JT (2012) 12 SC 260].)”

18. Upon reading the ruling in the aforementioned judgment, it is clear that a purchaser subsequent to issuance of acquisition notification cannot challenge the acquisition proceedings and at best can claim compensation on the basis of the vendor's title.
19. Section 3H(3) and 3H(4) of the Act of 1956 specifically contemplate a situation where several persons claim entitlement to the amount deposited and further provide that if any dispute arises as to apportionment of the amount or as to the person to whom the same is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within whose jurisdiction the land is situated. Thus, the statutory mechanism itself provides an efficacious remedy for adjudication of such *inter se* disputes between the subsequent purchasers and the original recorded landowners.
20. Accordingly, this Court deems it appropriate to direct the Sub-Divisional Officer (Revenue)-cum-Land Acquisition Officer, Patan, District Durg, to afford an opportunity of hearing to the petitioners as well as to the previous recorded landowners in whose favour the award has been passed, and thereafter, if a dispute with regard to entitlement or apportionment of compensation subsists, to make a reference under Section 3H(4) of the Act of 1956 to the competent principal civil court of original jurisdiction within a period of 90 days from the date of receipt of a copy of this order.



21. It is made clear that this Court has not made any observation on the merits of the case and the concerned authority is at liberty to pass appropriate orders while giving property opportunity of hearing to the petitioner as well as previous owners of the subject property and to pass appropriate orders in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash