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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 481 of 2020

1 - Ratiram Sahu S/o Late Parasram Sahu Aged About 40 Years R/o House No. 242, Hatwar Para, Mandar, Tehsil Dharsiva, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through Chhattisgarh State Industries Development Corporation Ltd. First Floor, Industries Bhawan, Ring Road, No. 1, Telibandha, Raipur Chhattisgarh. 492006., District : Raipur, Chhattisgarh

2 - State Of Chhattisgarh Through Collector, Collectorate Campus, Raipur Chhattisgarh. 492001., District : Raipur, Chhattisgarh

3 - Director, M/s Godavari Power And Ispat Limited Vikas Kendra Siltara, Face - I, Raipur, Tehsil And District Raipur Chhattisgarh. 492001., District : Raipur, Chhattisgarh

4 - Sub Divisional Officer (R) And Land Acquisition Officer Raipur Chhattisgarh. 492001, District : Raipur, Chhattisgarh

--- Respondent(s)

WPC No. 661 of 2020

1 - Santosh S/o Ratiram Sahu Aged About 39 Years R/o House No. 242, Hatwar Para , Mandar , Tehsil Dharsiva , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner(s)

Versus



- 1 - State Of Chhattisgarh Through Chhattisgarh State Industries Development Corporation Ltd. First Floor, Industries Bhawan, Ring Road No. 1, Telibandha, Raipur Chhattisgarh 492006., District : Raipur, Chhattisgarh
- 2 - State Of Chhattisgarh Through Collector , Collectrate Campus, Raipur Chhatisgarh, 492001., District : Raipur, Chhattisgarh
- 3 - Director M/s Godavari Power And Ispat Limited , Vikas Kendra Siltara , Face - I Raipur , Tehsil And District Raipur Chhattisgarh-492001., District : Raipur, Chhattisgarh
- 4 - Sub Divisional Officer (R) And Land Acquisition Officer Raipur Chhattisgarh, 492001., District : Raipur, Chhattisgarh

--- Respondent(s)

WPC No. 534 of 2020

- 1 - Kartik @ Pannalal S/o Lt. Shri Parasram Adil Aged About 49 Years R/o House No.242, Hatwar Para, Mandar, Tahsil- Dharsiva, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Chhattisgarh State Industries Development Corporation Ltd. First Floor, Industries Bhawan, Ring Road No.1, Telibandha Raipur, Chhattisgarh 492006, District : Raipur, Chhattisgarh
- 2 - State Of Chhattisgarh Through Collector, Collectorate Campus, Raipur, Chhattisgarh, 492001, District : Raipur, Chhattisgarh
- 3 - Director M/s Godavari Power And Ispat Limited, Vikas Kendra Siltara, Face- I , Raipur, Tahsil And District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 4 - Sub-Divisional Officer (R) And Land Acquisition Officer Raipur, Chhattisgarh, 492001, District : Raipur, Chhattisgarh

--- Respondent(s)

(Cause-Title is taken from CIS System)



For Petitioner(s) : Mr. Akhilesh Mishra, Advocate.
For Respondent(s)/State : Mr. Ashutosh Shukla, P.L.
For Respondent No. 3 : Mr. Ashish Pathak, Advocate on behalf
of Mr. Abhyuday Singh, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

18/03/2026

1. Since common question of facts and law is involved in these cases, as such, all these petitions are being disposed of by this common order.
2. By way of the present petitions, the petitioners namely Ratiram Sahu, Kartik @ Pannalal and Santosh Kumar Sahu challenge the impugned action/order of respondent No. 1, who has failed to consider or respond to the petitioners despite the petitioners having clearly expressed inability to undertake employment on account of old age, and further challenge the denial of compensation in terms of Para 4.15(a) of the Ideal Rehabilitation Policy, 2007 (as amended). As per Annexure 1.16 of Appendix-II of the Model Rehabilitation Policy, permanent employment is to be provided to the family members of tenants/affected persons, however, in the present cases, private land of Village Mandhar was acquired for Development Centre, Silatra, for industrial purposes (railway siding), and the affected tenants, including the petitioners, expressed their inability to work in the plant and accordingly sought lump sum compensation in lieu of employment vide application dated 11.02.2016, which was



acknowledged by order dated 22.02.2016, and the petitioners are further entitled to compensation in terms of the notification published in the Chhattisgarh Gazette dated 19.03.2010 bearing No. F7-97/Reh. Policy/2007 relating to Para 4.15 of the Ideal Rehabilitation Policy, 2007 (as amended), governing compensation in cases of land acquisition for commercial and industrial projects. Hence, the present writ petitions.

3. The petitioners have prayed for certain reliefs in the writ petitions. Though there are some sort of differences in respect of prayer made by the petitioners in all the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in WPC No. 481/2020 (Ratiram Sahu vs. State of Chhattisgarh and others) are quoted hereinbelow in order to consider these cases and to decide the same.

“10.1 That, this Hon'ble Court may kindly be pleased to allow the writ petition and direction to the respondent concern that District- Raipur, dated 21.05.2018 (Annexure P/1).

10.2 That, this Hon'ble Court may kindly be pleased to directed to pay the difference of acquisition award as directed under notification in Chhattisgarh Gazette dated 19.03.2010 (Annexure P/2).

10.3 Any other relief/relief's which may deem fit and proper in the facts and circumstances of the case may also be allowed. An affidavit in support of this petition is filed herewith.”



4. Brief facts of the case, are that, the private agricultural lands situated at Village Mandhar, P.N. 22, RNM, Tehsil Dharsinwa, District Raipur (Chhattisgarh), belonging to the petitioner's wife late Motim Bai D/o Phagwa and W/o Ratiram Sahu bearing Khasra No. 766/15 admeasuring 0.433 hectares and to the petitioner's son Santosh Kumar Sahu S/o Ratiram Sahu bearing Khasra No. 819/2 admeasuring 0.105 hectares, were acquired by respondent No. 3 vide order No. Land-Acquisition/02/A-82/Year 2011-12 Raipur dated 29.06.2013. Thereafter, the said lands were transferred to respondent No. 1. Compensation amounts of Rs. 11,20,992/- and Rs. 2,71,834/- were paid during the year 2013–14. The names of the affected family members were duly recorded as per Annexure-II Para 1.6 of the Ideal Rehabilitation Policy. It is further submitted that during the pendency of proceedings, the petitioner's wife Motim Bai expired on 16.01.2015. Her legal representative, i.e., the husband Ratiram Sahu, was substituted. It is submitted that the petitioner, being entitled to employment under the Ideal Rehabilitation Policy, expressed his inability to undertake employment due to old age. Accordingly, he sought lump sum compensation in lieu of employment by issuing a legal notice dated 12.05.2017 through counsel. The respondents submitted their reply dated 14.06.2017. The State of Chhattisgarh, vide Gazette Notification dated 19.03.2010, amended the provisions of the Ideal Rehabilitation Policy, 2007 governing such cases. However, despite the same,



the legitimate claim of the petitioners has not been duly considered. Hence, these petitions.

5. Learned counsel for the petitioners, namely Ratiram Sahu, Kartik @ Pannalal and Santosh Kumar Sahu, submits that as per Annexure 1.16 of Appendix-II of the Model Rehabilitation Policy, permanent employment is required to be provided to the family members of tenants affected by acquisition of private land situated at Village Mandhar for Development Centre Silatra for industrial purposes, namely for railway siding. It is further submitted that the affected tenants, including the petitioners, had expressed their inability to undertake employment due to old age and other constraints and, accordingly, requested grant of lump sum compensation of Rs. 5,00,000/- in lieu of employment. It is also submitted that the land in question was acquired in the year 2013 and compensation was determined under Section 26 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013, which prescribes the criteria for determination of market value. It is further submitted that the petitioners are entitled to compensation in terms of the notification published in the Chhattisgarh Gazette dated 19.03.2010 bearing No. F7-97/Reh. Policy/2007 relating to Para 4.15 of the Ideal Rehabilitation Policy, 2007 (as amended). Accordingly, it is prayed that an appropriate direction may be issued to the respondents to consider and decide the claim of the petitioners for grant of lump sum compensation in lieu of employment, strictly in accordance



with the applicable Rehabilitation Policy and the statutory provisions governing acquisition and rehabilitation, within a time-bound manner, and consequently allow these petitions.

6. Learned counsel for respondent No. 3 submits that the land belonging to the petitioner's wife, Motim Bai, was duly acquired by the State Government under the provisions of the Land Acquisition Act, 1894 for industrial purposes through Chhattisgarh State Industrial Development Corporation, and after due procedure, the award dated 22.01.2013 was passed by the Land Acquisition Officer determining compensation in accordance with law, which was never challenged by the petitioner or his wife, nor was any reference sought for enhancement, and therefore the award attained finality and possession of the land was taken on 11.03.2014 and the land vested in the State/respondents. It is submitted that the petitioners accepted the entire compensation amount without protest, including an additional amount of Rs. 8,05,008/- under agreement dated 08.01.2014 and further compensation of Rs. 17,24,681/- under the Rehabilitation Policy, thereby disentitling them from raising any subsequent claim. It is lastly submitted that reliance on subsequent amendments in the Rehabilitation Policy is misconceived, as the acquisition proceedings had attained finality in 2013 and such amendments cannot apply retrospectively; the provision relating to employment is only a benevolent measure and cannot be claimed as a matter of right, and refusal of employment does not create any right to



claim lump sum compensation in lieu thereof; hence, the writ petitions deserve to be dismissed.

7. Learned State counsel submits that the land in question was acquired strictly in accordance with the provisions of the Land Acquisition Act, 1894. After following the prescribed procedure, the competent Land Acquisition Officer passed the award dated 22.01.2013 and determined compensation in accordance with law. The compensation amount was accepted by the petitioners without any protest. Neither the petitioners nor the original landholder sought reference for enhancement of compensation. Therefore, the award attained finality. Possession of the land was taken on 11.03.2014 and the land vested absolutely in the State free from all encumbrances. It is further submitted that the petitioners have already received the entire compensation amount along with additional amounts paid under the applicable Rehabilitation Policy. Therefore, no further claim survives. The claim for lump sum compensation in lieu of employment is misconceived because the policy applicable at the relevant time did not provide such benefit as a matter of right. The subsequent amendments in the Ideal Rehabilitation Policy, 2007 cannot be applied retrospectively to acquisition proceedings which had already concluded. It is also submitted that the provision relating to employment is only a benevolent provision and cannot be enforced as an absolute legal right, particularly when the petitioners themselves expressed inability to accept employment.



Learned State counsel further submits that the present writ petitions suffer from gross delay and laches, as they have been filed several years after completion of acquisition proceedings and after acceptance of compensation. It is also submitted that full facts regarding receipt of additional compensation have not been properly disclosed by the petitioners. Therefore, the writ petitions, being devoid of merit, deserve to be dismissed.

8. I have heard learned counsel for the parties and perused the material available on record.
9. It is not in dispute that the land in question was acquired under the provisions of the Land Acquisition Act, 1894, the award was passed on 22.01.2013, compensation was determined and accepted by the petitioners, and possession of the land was taken on 11.03.2014. Admittedly, neither the award nor the compensation determined thereunder was challenged before the competent forum and, therefore, the acquisition proceedings have attained finality. However, the grievance of the petitioners relates to consideration of their claim under the Rehabilitation Policy for grant of lump sum compensation in lieu of employment, on the ground that they had expressed inability to accept employment. Since the record shows that such claim has been raised before the authorities, but no reasoned decision has been placed on record, this Court is of the opinion that the claim requires consideration by the competent authority in accordance with the



applicable policy and the benefits already extended to the petitioners.

10. Accordingly, the petitioners are directed to submit a fresh comprehensive representation along with all relevant documents before Collector Raipur within a period of **45 days** from today. On such representation being submitted, the competent authority shall consider and decide the same by passing a **reasoned and speaking order** strictly in accordance with law within a further period of **90 days**, after affording opportunity of hearing to the petitioners as well as respondent No. 3, if required.
11. It is made clear that this Court has not adjudicated upon the entitlement of the petitioners on merits and all questions of fact and law are left open to be considered by the competent authority. If the petitioners are found entitled under the applicable policy, consequential action shall follow in accordance with law; if not, reasons shall be specifically recorded in the order to be passed.
12. With the aforesaid observations and directions, all the writ petitions stand **disposed of**.
13. No order as to cost(s).

sd/-

(Amitendra Kishore Prasad)
Judge