



2026:CGHC:12380-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 222 of 2026

Balram Singh Gond S/o Late Ghurau Ram Aged About 55 Years R/o Ward No. 10, Purani Basti, Katghora, Tahsil- Katgora, District- Korba (C.G.)

... Appellant

versus

1 - State of Chhattisgarh Through The Secretary, Department of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - Collector Korba, District- Korba (C.G.)

3 - Sub-Divisional Officer-Cum-Land Acquisition Officer Katghora, District- Korba (C.G.)

4 - Branch Manager Punjab National Bank, Katghora, District- Korba (C.G.)

5 - Kaushal Tendulkar Sub-Divisional Officer, Revenue, Katghora, District- Korba (C.G.)

6 - Sonit Meriya The-Then Tahsildar, Katghora, Presently Posted In Collector Office, Korba, District- Korba (C.G.)

7 - Dashmat Bai Gond W/o Ful Singh Gond Aged About 68 Years D/o Ghurau, R/o Village- Baksara, Post Pantora, Tahsil Baloda, District- Janjgir-Champa (C.G.)

8 - Basant Bai W/o Balam Singh Aged About 47 Years D/o Ghurau, R/o Village- Tiwarta, Tahsil- Deepka, District- Korba (C.G.)

9 - Indrapal Singh S/o Chandrabhan Singh Aged About 29 Years R/o Village- Jurali, Tahsil- Pondi Uproda, District- Korba (C.G.)

... Respondents

(Cause-title taken from Case Information System)



For Appellant	:	Mr. Jitendra Pali and Mr. S.R.J. Jaiswal, Advocates
For State	:	Mr. Praveen Das, Additional Advocate General
For Respondent No.4	:	Mr. Rishabh Dev Singh, Advocate
For Respondents No.7 to 9	:	Mr. Rajendra Tripathi, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice

16.03.2026

1. Heard Mr. Jitendra Pali and Mr. S.R.J. Jaiswal, learned counsel for the appellant as well as Mr. Praveen Das, learned Additional Advocate General appearing for the State, Mr. Rishabh Dev Singh, learned counsel for respondent No.4 and Mr. Rajendra Tripathi, learned counsel for respondents No.7 to 9.
2. By way of this writ appeal, appellant has prayed for following relief(s):-

“i. To kindly allow the present Writ Appeal and set aside the impugned order dated 12.01.2026 passed in W.P.(C) No. 3602 of 2022;

ii. To kindly allow the writ petition by quashing the memo/order dated 26.05.2022 and all consequential actions taken pursuant thereto and kindly grant all reliefs as prayed in the writ petition.

iii. To kindly direct the respondents to release



the entire compensation amount awarded vide award dated 15.07.2019 to the Appellant along with 18% interest.

iv. To kindly pass such further or other orders as this Hon'ble Court may deem fit, just, and proper in the facts and circumstances of the case, in the interest of justice.”

3. The present intra Court appeal has been filed against the order dated 12.01.2026 passed by the learned Single Judge in WPC No.3602/2022, whereby the writ petition filed by the writ petitioner has been disposed of.
4. The brief facts projected before the learned Single Judge were that the land of the appellant/writ petitioner bearing Khasra No. 52/2, admeasuring 0.146 hectare, P.H. No. 08, situated at Village Katghora, was acquired by the National Highways Authority of India for the purpose of widening of National Highway No. 111 under the Bharatmala Project. In pursuance thereof, the competent authority initiated Land Acquisition Case No. 31/A-82/2018-19 and, vide award dated 15.07.2019, determined compensation amounting to ₹79,35,656/-, which was deposited by NHAI in the bank account of the appellant/writ petitioner.
5. Thereafter, vide memo dated 17.03.2020, the aforesaid amount was withheld. Subsequently, the Tahsildar submitted a report on 08.04.2022 stating that Dashoda Bai, Dashmat Bai, Basant Bai, Santoshi Bai and Indrapal Singh are also descendants of the



father of the appellant/writ petitioner. Acting upon the said report, the competent authority directed the bank to apportion the compensation amount into six equal shares. Consequently, the shares of the aforesaid five persons were released and only one-sixth of the compensation amount was retained in the account of the appellant/writ petitioner.

6. Being aggrieved by the said action, the appellant/writ petitioner preferred the writ petition bearing WPC No.3602/2022 before the learned Single Judge, which was disposed of vide order dated 12.01.2026.
7. Calling in question the legality and propriety of the order dated 12.01.2026, the appellant/writ petitioner has approached this Court by filing the present appeal.
8. Learned counsel for the appellant/writ petitioner submits that the learned Single Judge failed to appreciate that once an award determining the quantum of compensation as well as the person entitled to receive the same has been passed, the competent authority becomes *functus officio* and has no jurisdiction to subsequently alter or dilute such determination by way of administrative or executive directions. It is contended that the apportionment directed vide memo dated 26.05.2022, though styled as an administrative action, in substance amounts to modification of the award itself, thereby directly affecting the vested right of the appellant/writ petitioner to receive the entire



compensation amount. It is further submitted that the provisions contained in Sections 75 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are applicable only in cases where the question of apportionment is contemplated or left unresolved at the stage of passing of the award. The said provisions do not empower the authorities to reopen a concluded award in which the entitlement had already been determined in favour of a single recorded owner. According to learned counsel, the learned Single Judge erred in relegating the appellant/writ petitioner to the alternative remedy under Section 64 of the Act, 2013, overlooking the settled principle that the existence of an alternative remedy is no bar where the impugned action is ex facie without jurisdiction and violative of Articles 14, 21 and 300-A of the Constitution of India.

9. Learned counsel also submits that the respondent authorities, instead of acting as neutral statutory authorities, have assumed the role of adjudicators of title and succession, which is wholly alien to the scheme of the Act, 2013. The dispute raised by the private respondents essentially pertains to inter se civil rights of succession and inheritance, which can only be adjudicated by a competent civil court and not by land acquisition authorities under the guise of apportionment. Moreover, the impugned directions were issued behind the back of the appellant/writ petitioner,



without issuance of notice and without affording any opportunity of hearing, solely on the basis of a unilateral report submitted by the Tahsildar, thereby rendering the entire action void for violation of the principles of natural justice. It is lastly submitted that the respondent authorities were statutorily bound to act strictly in accordance with the procedure prescribed under the Act, 2013, which provides a complete code for determination and adjudication of entitlement and apportionment of compensation. Any action taken dehors the statutory procedure is non est and without authority of law. If the authorities were of the view that any dispute existed regarding entitlement to the compensation, the only lawful course available to them was to initiate appropriate proceedings in accordance with the provisions of the Act, 2013, and not to issue unilateral executive directions to the bank for withholding or distributing the compensation amount. The impugned order, therefore, suffers from errors apparent on the face of the record and warrants interference by this Court.

10. Per contra, learned Additional Advocate General appearing for the State, along with learned counsel appearing for respondent No.4 and respondents No.7 to 9, supported the impugned order passed by the learned Single Judge. It is submitted that the learned Single Judge has rightly declined to interfere in the matter as the dispute raised by the appellant essentially pertains to apportionment of compensation and determination of entitlement



among rival claimants, which involves disputed questions of fact. They further submit that the scheme of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides a complete statutory mechanism for adjudication of disputes relating to compensation, including disputes regarding apportionment and entitlement, as contemplated under Sections 64, 75 and 76 of the Act. Therefore, the learned Single Judge has rightly directed the appellant to avail the statutory remedy before the competent authority.

11. It is further submitted that the competent authority has not altered the quantum of compensation determined under the award dated 15.07.2019; rather, the action taken was only to ensure proper distribution of the compensation amount among persons claiming interest in the acquired land on the basis of the report submitted by the revenue authorities. In such circumstances, the direction issued by the learned Single Judge to raise the dispute before the Collector for reference under Section 64 of the Act is legally justified. They further submit that the rival claims raised by the parties relate to questions of succession and co-ownership, which necessarily require appreciation of evidence and examination of relevant revenue records. Such issues cannot be adjudicated in proceedings under Article 226 of the Constitution of India and are more appropriately decided by the competent authority under the



statutory framework of the Act, 2013. It is therefore contended that the learned Single Judge has exercised jurisdiction in a proper and judicious manner and the impugned order does not suffer from any illegality or infirmity warranting interference in the present intra-court appeal. Accordingly, the writ appeal deserves to be dismissed.

12. We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
13. After appreciating the submissions of learned counsel for the parties as also the materials on record, while relying upon Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, learned Single Judge has passed the impugned order in following terms:-

“6. It is not in dispute that after passing the award, the competent authority cannot modify or recall the same. However, in the present case, the quantum of compensation has not been altered, only its apportionment has been directed. The scheme of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the Act, 2013”) specifically contemplates such apportionment in Sections 75 and 76 with particulars of apportionment and disputes relating thereto. Section 64 of the Act, 2013 provides Reference to Authority and it is extracted



below:-

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made--

(a) if the person making it was present or represented before the Collector at the time



when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collectors award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

7. In the case in hand, the petitioner is aggrieved with the apportionment of the compensation amount. Further, disputed facts are involved in the case with regard to determination of entitlement which requires appreciation of evidence and materials on record, which cannot be effectively undertaken in writ jurisdiction.

8. Accordingly, the petitioner is directed to file an application before the Collector raising his dispute within fifteen days from the date of receipt of a copy of this order. The Collector shall, within a further period of thirty days, refer the matter to the competent authority constituted under Section 51 of the Act, 2013, which shall decide the same, after granting due opportunity of hearing and leading of evidence to the petitioner and the private



respondents, preferably within six months. The entitlement to the compensation shall remain subject to the final outcome of the proceedings initiated by the competent authority.

9. With the aforesaid observations and directions, the writ petition stands disposed of.”

- 14.** A plain reading of the impugned order passed by the learned Single Judge would reveal that the learned Single Judge has not upheld any modification of the award dated 15.07.2019 insofar as the quantum of compensation is concerned, but has only taken note of the dispute relating to the apportionment and entitlement of the compensation amount amongst the persons claiming interest therein. The learned Single Judge has rightly observed that the statutory scheme contained in the Act of 2013 provides a complete mechanism for resolution of such disputes, particularly under Sections 64, 75 and 76 of the Act, which specifically deal with objections to the award, disputes regarding apportionment, and determination of the person entitled to receive the compensation.
- 15.** In the considered opinion of this Court, once a dispute arises with regard to entitlement or apportionment of compensation amongst rival claimants, such dispute necessarily involves determination of factual issues, including the status of the parties claiming succession or interest in the acquired land. Adjudication of such



issues inevitably requires appreciation of evidence and examination of the respective claims of the parties, which cannot be conveniently undertaken in exercise of writ jurisdiction under Article 226 of the Constitution of India. The learned Single Judge, therefore, has rightly declined to entertain the writ petition on merits and instead relegated the appellant/writ petitioner to avail the statutory remedy provided under Section 64 of the Act, 2013.

- 16.** It is well settled that where a statute provides a specific and efficacious remedy for adjudication of disputes, particularly those involving disputed questions of fact and competing claims to compensation, the writ court ordinarily refrains from exercising its extraordinary jurisdiction and directs the parties to pursue the remedy provided under the statute. In the present case, the learned Single Judge has merely directed the appellant/writ petitioner to approach the Collector for raising the dispute, whereupon the matter is to be referred to the competent authority constituted under Section 51 of the Act, 2013 for adjudication in accordance with law after affording due opportunity of hearing and leading of evidence to all concerned parties. Such a course adopted by the learned Single Judge cannot be said to suffer from any illegality, arbitrariness or jurisdictional error warranting interference by this Court in exercise of its intra-court appellate jurisdiction.
- 17.** It is also significant to note that the learned Single Judge has not



finally adjudicated upon the rights of the parties with regard to the entitlement to the compensation amount, but has merely directed that the issue be decided by the competent statutory authority in accordance with the procedure prescribed under the Act, 2013. The learned Single Judge has further safeguarded the interest of the parties by directing that the entitlement to compensation shall remain subject to the final outcome of the proceedings to be initiated before the competent authority. Thus, the impugned order does not cause any irreparable prejudice to the appellant/writ petitioner, as the question of entitlement remains open for determination before the appropriate forum.

18. In view of the aforesaid analysis, we are of the considered view that the learned Single Judge has exercised his discretion judiciously and in consonance with the statutory scheme governing land acquisition matters. We do not find any perversity, illegality or infirmity in the impugned order dated 12.01.2026 passed in W.P.(C) No. 3602 of 2022 so as to warrant interference by this Court in the present intra-court appeal.
19. Consequently, the writ appeal, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice