



2026:CGHC:12629



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 946 of 2026

1. Devashish S/o Late Madhosay Aged About 26 Years Caste - Bhariya Occupation Unemployed R/o Gopalpur Jamnipali Korba, P.S. And Tahsil Darri District Korba Chhattisgarh
2. Ahilya Bai Wd/o Late Madhosay Aged About 55 Years Caste - Bhariya Occupation Housewife R/o Gopalpur Jamnipali Korba, P.S. And Tahsil Darri District Korba Chhattisgarh

... Petitioners.

Versus

1. South Eastern Coalfields Limited Through The Chairman Cum, Managing Director Seepat Road District Bilaspur Chhattisgarh
2. The Chief General Manager Secl, Korba Area, District Korba Chhattisgarh
3. The Sub Area Manager Saraipali Open Cast Mining Project, Secl, Korba Chhattisgarh
4. The State Of Chhattisgarh Through The Collector, Distt. Korba Chhattisgarh

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioners	:	Mr. Ashok Kumar Shukla, Advocate.
For Res/SECL	:	Mr. Vaibhav Shukla, Advocate.
For State	:	Mr. Shobhit Mishra, Dy. GA.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

17/03/2026

1. Heard



2. The State Government had initiated land acquisition proceedings in the year 2005 for the 'Saraipali Open Cast Project' of the respondent/Sub Area Manager, Saraipali, Open Cast Mining Project, SECL, Korba. The award of said acquisition proceedings was passed on 06.09.2007 in Land Acquisition Proceeding Case No.10A/82/2004-05. There were a total of 856 land oustees. It was agreed by the SECL to provide employment to one of the family members of each land oustee as per the Rehabilitation Policy of 1991 issued by the erstwhile State of Madhya Pradesh. After the passing of the award, compensation was paid to the land oustees by SECL, but employment was offered according to the Rehabilitation and Resettlement Policy of Coal India Limited, 2012 and not according to the Policy of 1991, which was prevalent at the time of land acquisition. According to the Policy of 2012, the land oustees having land less than 2 acres would not be entitled to get employment. The applications/representations of some of the petitioners have been rejected by the SECL authorities. The petitioner has filed this petition seeking a direction to the respondent Authorities to provide employment according to the Rehabilitation Policy of 1991, which was in existence at the time of land acquisition. A prayer has also been made by the petitioners to quash the order passed by the SECL authorities, whereby their claims have been rejected.
3. Learned counsel for the petitioners submit that petitioner's father namely late Madhosay was recorded owner Survey No.77/2, Area 0.22 (0.089 Hectare) situated at Village Budbud, Tahsil Pali, District Korba (inadvertently mentioned as Village Gopalpur, Tahsil Darri) and same has been held by the petitioner in his account and subsequently, acquired the respondent Authorities. However, counsel submits that the issue involved in the present



case is no more res integra. He would contend that a similar issue was raised in the matter of **Pyarelal vs. South Eastern Coalfields Ltd. and Others** and connected matters passed in WPC No 3076 of 2016, dated 11- 09-2017, and the coordinate bench of this Court directed the respondent authorities to consider the case of the petitioners for rehabilitation/employment strictly in accordance with the Policy on the date of acquisition of their lands within 45 days.

4. On the other hand, learned counsel appearing for the SECL would oppose. He would submit that the petitioners have no right to claim employment according to the Rehabilitation Policy of 1991. He would further submit at the relevant time it was found many persons of the said village are not original land oustees. He would also submit that the Rehabilitation and Resettlement Policy of Coal India Limited, 2012, provides that if any of the land oustee has less than 2 acres of land, he would not be entitled to get employment. He would further contend that it would not be possible for the SECL to provide employment to each and every affected family. He would also contend that the full and final compensation has already been paid to the land oustees. Hence, this petitions deserve to be dismissed.
5. I have heard learned counsel for the parties and perused the documents.
6. In the matter of Pyarelal (supra), a similar issue was raised and the coordinate bench in Para-65 of its judgment directed the SECL to provide employment strictly in accordance with the Rehabilitation Policy applicable on the date of acquisitions of land within 45 days.
7. In the present case, the proceedings with regard to land acquisition were initiated in the year 2005 and the award was passed on 06.09.2007 and at that time, the Rehabilitation Policy of 1991 was in force. The Rehabilitation



and Resettlement Policy of Coal India Limited, 2012 was floated in the year 2012 and certainly, it would not attract the cases of the petitioners.

8. In the matter of Pyarelal (supra), the coordinate bench of this Court in Para-65 held as under:-

“65. Right of the land losers to get employment as per the rehabilitation policy is extremely important right and that has to be considered in accordance with law and in accordance with the policy in force on the date of acquisition of their land and subsequent change in policy will not take away their accrued right, if any, that has accrued to them by acquisition of their lands. Thus, the benefit of rehabilitation and employment to land oustee is logical corollary of Article 21 of the Constitution of India and denial of employment is violative of Articles 14 and 15 of the Constitution of India as well as Article 21. Therefore, the respondents are directed to consider the case of the petitioners for rehabilitation / employment strictly in accordance with the policy applicable on the date of acquisition of their land i.e. the date of acquisition and such consideration should be made by SECL within 45 days from the date of production of a copy of this order.”

9. A specific query was made from the counsel appearing for SECL as to whether the order passed in the matter of Pyarelal (supra) has been assailed before the Superior Court or not. The counsel fairly submitted that as per his knowledge the order dated 11.09.2017 has not been challenged and thus, it attained finality.
10. In the matter of Pyarelal (supra), it is categorically observed that the benefit of rehabilitation and employment to land oustee is logical corollary of Article 21 of the Constitution of India and denial of employment is violative of Articles 14 and 15 of the Constitution of India as well as Article 21 and the



Policy applicable on the date of acquisition of the land would be applicable, therefore, in the opinion of this Court, the respondent authorities should consider the claim of the petitioners strictly in light of the observations made in the matter of Pyarelal (supra). The orders, if any, passed against any of the petitioners by the SECL are hereby quashed. The SECL/respondents are directed to consider the claims of the petitioners within a period of 45 days from the date of receipt of a copy of this order.

11. Consequently, the writ petition is disposed of. No Cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay