



2026:CGHC:3948

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2051 of 2024

1 - Shankar Prasad S/o Kisnath Urav Aged About 55 Years R/o House No. 199,
Darripara, Jagannathpur, Dharampur, District : Surajpur, Chhattisgarh

... Petitioner

versus

1 - South Eastern Coalfield Limited, Through The Chairman-Cum-Managing
Director, Seepat Road, Bilaspur, District : Bilaspur, Chhattisgarh

2 - The General Manager South Eastern Coalfield Limited, Bhatgaon, District :
Surajpur, Chhattisgarh

3 - Area Personnel Manager S E C L, Jagannathpur Sub Area, Tahsil- Pratappur,
District : Surajpur, Chhattisgarh

4 - Survey Officer S E C L, Jagannathpur Ocp, Tahsil- Pratappur, District :
Surajpur, Chhattisgarh

5 - Collector Surajpur, District : Surajpur, Chhattisgarh

6. - Sub Divisional Officer-Cum-Land Acquisition Officer Pratappur, District :
Surajpur, Chhattisgarh

... Respondents

{Cause title, as taken from Case Information System}

For Petitioner	:	Mr. Syed Majid Ali, Advocate
For Respondents No. 1 to 4	:	Mr. Pankaj Singh, Advocate.
For Respondent No. 5	:	Mr. Shreyansh Mehta, Panel Lawyer.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)

Order on Board

22/01/2026

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-

10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ, order, direction and direct the respondent authorities particularly the respondent SECL to disburse the amount as calculated vide Annexure P-8 at the earliest.

10.2 That, this Hon'ble Court may kindly be pleased to issue appropriate writ, order, direction to disburse the compensation within a stipulated time.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.

2. Learned counsel appearing for the petitioner would submit that the petitioner is land oustee. The land bearing Khasra Nos. 1482, 1492, 1527 and 1528, area 0.99, 0.34, 0.55 and 0.41 hectare, respectively situated at village Darripara, Jagannathpur, District Surajpur was acquired by the State Government for South Eastern Coalfield Limited (SECL) vide award dated 13.10.2017 under the Coal Bearing Areas (Acquisition and Development) Act, 1957 (for brevity, "CBA Act, 1957"). He further submits that land of petitioner was 'double crop land' but compensation was assessed treating it to be 'single crop land'. He next submits that on being representation filed by the petitioner before the Land Acquisition Officer, Pratappur, District Surajpur, Amended *Patrak*

(1-A) {Annexure P-8} was prepared by the Land Acquisition Officer, which was also signed by officials of SECL. Vide said modification, it was directed to respondents No. 1 to 4 / SECL to pay difference amount by adjusting earlier amount of compensation paid to the petitioner, but the same has not been paid yet. However, he submits that award amount of Rs.45,26,872/- granted in favour of the petitioner, has been received by him without any protest.

3. Per contra, learned counsel for respondents/SECL would submit that against the acquisition of land of petitioner, an amount of 45,26,872/- was awarded in favour of the petitioner, which he has received without any protest. Referring to proviso to Section 17 of the CBA Act, 2017, learned counsel for the respondents/SECL would submit that since the petitioner has received amount of award without any protest, therefore, he is not entitled to raise his grievance of insufficiency of quantum of amount of compensation. Even otherwise, such grievance can only be redressed before the Part-Time Tribunal constituted under the CBA Act, 2017 and the Land Acquisition Officer is not entitled to modify his award, hence, he prays that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the material available on record.

5. At this stage, it would be apt to notice provisions contained in Section 17 of the CBA Act, 2017, which is reproduced below :-

“17. Payment of compensation.—(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any

dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited."

6. Perusal of aforesaid provision show that if the petitioner was not satisfied with the quantum of award, then he may have received the amount of award under protest, thereafter, he may raise his grievance before Part Time Tribunal constituted under CBA Act, 1957, but as contended by learned counsel for the petitioner that the petitioner has received amount of compensation without any protest, therefore, as per proviso (3) of Sub-Section (2) of Section 17 of the CBA Act, 1957, he is not entitled to raise his grievance of insufficiency of amount of award. Even otherwise, if he has any grievance with regard to insufficiency of amount of award, then he ought to have raised his grievance before the Part Time Tribunal constituted under the CBA Act, 2017, instead thereof, he filed representation before the Land Acquisition Officer, who allegedly modified the

impugned award by preparing amended *Patrak (1-A)* { Annexue P-8), which he is not entitled at all in view of provisions contained in Section 17 of the CBA Act, 1957, rather Part Time Tribunal was the Competent Authority, but the said Tribunal has not passed any order. Therefore, the petitioner is not entitled to get any further compensation in light of amended *Patrak (1-A)* {Annexure P-8}, hence, this petition is liable to be dismissed.

7. Accordingly, the writ petition fails and is hereby dismissed. However, the petitioner is at liberty to raise his grievance in accordance with law.

Sd/-

(Naresh Kumar Chandravanshi)
Judge