



2026:CGHC:21327

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1974 of 2026

- 1 - Omprakash S/o Late Purushottam, Aged About 55 Years R/o Barbhatha, Tahsil Sarangarh, District Sarangarh-Bilaigarh (C.G.)**
- 2 - Urmila D/o Late Purushottam, Aged About 53 Years R/o Barbhatha, Tahsil Sarangarh, District Sarangarh-Bilaigarh (C.G.)**
- 3 - Smt. Janki Bai W/o Late Purushottam, Aged About 70 Years R/o Barbhatha, Tahsil Sarangarh, District Sarangarh-Bilaigarh (C.G.)**

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur (C.G.)**
- 2 - State Of Chhattisgarh, Through Secretary, Revenue In Disaster Management Department, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur (C.G.)**
- 3 - Executive Engineer, Water Resources Surveyor And Bairaj Construction, Division -1 Kharsiya, District - Raigarh (C.G.)**
- 4 - Collector, Sarangarh, District Sarangarh-Bilaigarh (C.G.)**
- 5 - Sub Divisionl Officer, Cala, Sarangarh, District Sarangarh-Bilaigarh (C.G.)**
- 6 - Tahsildar Sarangarh, District Sarangarh-Bilaigarh (C.G.)**

... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioner : Mr. Ravikar Patel, Advocate

For State : Mr. R. K. Gupta, Addl. Advocate General

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07/05/2026

1. The petitioners have filed this writ petition seeking following reliefs:

“10.1 That, the Hon'ble Court may kindly be called for records of compensation pertaining to the petitioner for kind perusal of this Hon'ble Court.

10.2 That, the Hon'ble Court may kindly direct the respondent authorities to compensate earliest of those lands who are losing by the petitioners, in the interest of justice.

10.3 That, the Hon'ble Court may kindly direct the respondent authorities to pay 12% annual interest with compensation amount from year 2017 to till deposited the whole amount for delayed payment.

104. Any other relief, which this Hon'ble Court may deemed just and fit in facts and circumstances of the case.”

2. Facts of the case, as projected, are that the petitioners are permanent residents of Village Barbhatha, P.H. No. 6, R.I. Circle Ulkhar, Tahsil Sarangarh, District Sarangarh-Bilaigarh (C.G.) and are holders of agricultural lands bearing Khasra Nos. 276, 283, 88/4, 11/2, 139/2, 133/1, 114, 65/6 and 88/3 admeasuring 0.89, 0.24, 0.53, 0.32, 0.73, 0.069, 0.32, 0.061 and 0.028 hectares respectively. According to the petitioners, the aforesaid lands have been affected on account of construction of Saradih Bairaj. It has been averred that respondent No. 4, being the competent authority for land acquisition, passed an award dated 08.08.2019 in relation to acquisition proceedings undertaken for construction of Saradih Bairaj. However, despite the petitioners' lands being affected by submergence, the same were not included for grant of compensation. The petitioners further submit that even prior to passing of the award, they had submitted a representation dated 23.10.2017 before the Executive Engineer, Water Resources Department, Kharsiya requesting inclusion of their lands in the compensation proceedings. However, no action was taken thereupon. Thereafter also, the petitioners submitted several representations before the concerned authorities and lastly submitted a representation dated 01.05.2025 seeking consideration of their grievance, but no decision was taken by the authorities. Being aggrieved, the petitioners earlier approached this Court by filing WPC No. 2932 of 2025, which came to be disposed of vide order dated 16.06.2025 directing the

respondents to reconsider the grievance of the petitioners. Pursuant to the aforesaid order passed by this Court, respondent No. 3 conducted demarcation proceedings and prepared a report dated 12.02.2026 wherein it has been specifically recorded that lands bearing Khasra No. 11/2 admeasuring 0.073 hectare and Khasra No. 65/6 admeasuring 0.061 hectare have been completely affected due to submergence in Saradih Bairaj and further an area measuring 0.011 hectare out of Khasra No. 88/3 has also been affected. Despite such findings in the demarcation report, compensation has not yet been granted to the petitioners. The petitioners have therefore approached this Court seeking a direction to the respondents, particularly the SDO (Revenue)/Competent Authority for Land Acquisition, Sarangarh, to consider their case and grant compensation in accordance with law.

3. Learned counsel for the petitioners submits that the lands belonging to the petitioners have admittedly been submerged and affected due to construction of Saradih Bairaj, yet the respondents have failed to extend compensation to the petitioners despite repeated representations and despite availability of material demonstrating actual submergence. It is contended that the entire Village Barbhatha has been affected due to the backwater and submergence area of Saradih Bairaj and, therefore, exclusion of the petitioners' lands from compensation proceedings is wholly

arbitrary and unreasonable. Learned counsel submits that once the lands have become unusable and stand submerged due to an act of the State, the State authorities are under a legal obligation to compensate the land holders in accordance with law. Learned counsel further submits that this Court had already directed reconsideration of the grievance in WPC No. 2932 of 2025 and, pursuant thereto, the authorities themselves prepared the demarcation report dated 12.02.2026 acknowledging that substantial portions of the petitioners' lands have been completely affected in the submergence area. Despite such clear findings recorded by the competent revenue authorities, no consequential action has been taken for payment of compensation. It is further argued that the inaction on the part of the respondents is arbitrary, mechanical and violative of Article 300-A of the Constitution of India, as the petitioners have been deprived of the beneficial use and enjoyment of their lands without payment of compensation. Learned counsel therefore prays that appropriate directions be issued to the concerned authorities to conclude the proceedings expeditiously and grant compensation to the petitioners within a stipulated time frame.

4. Per contra, learned State counsel submits that pursuant to the order passed by this Court in the earlier writ petition, the authorities have already undertaken demarcation proceedings and submitted the report dated 12.02.2026. It is submitted that the

matter is presently under consideration before the competent authority and necessary proceedings regarding assessment and determination of compensation are required to be undertaken in accordance with the applicable statutory provisions and procedure. Learned State counsel further submits that the respondents have no objection if a direction is issued for expeditious consideration and disposal of the proceedings within a reasonable period.

5. Heard learned counsel for the parties and perused the material available on record.
6. From perusal of the record, it appears that the grievance of the petitioners pertains to grant of compensation in respect of lands allegedly affected and submerged due to construction of Saradih Bairaj. It is also not in dispute that earlier this Court, in WPC No. 2932 of 2025, directed reconsideration of the grievance raised by the petitioners. Pursuant thereto, the competent authority has already conducted demarcation proceedings and prepared report dated 12.02.2026 wherein it has been recorded that certain portions of the petitioners' lands have been completely affected in the submergence area of Saradih Bairaj. Despite preparation of such report, the consequential proceedings for determination of compensation have not yet attained finality.
7. Considering the facts and circumstances of the case, particularly the communication/report dated 12.02.2026 prepared by the

competent authority, this Court is of the opinion that the ends of justice would be served if the concerned authorities are directed to expedite the proceedings and conclude the same within a time-bound manner.

8. Accordingly, the present writ petition is disposed of directing the concerned respondent authorities, particularly the competent authority/SDO (Revenue) (CALA), Sarangarh, to expedite the proceedings in light of the communication/demarcation report dated 12.02.2026 and complete the entire exercise, in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of certified copy of this order.
9. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners and the competent authority shall take an independent decision strictly in accordance with law.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna