



2026:CGHC:19121

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 235 of 2021

Shailendra Singh S/o Radhey Shyam Singh Aged About 38 Years R/o Village Keki, Post Rajpur, Tahsil Takhatpur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

... **Petitioner.**

Versus

- 1 - State Of Chhattisgarh Through Teh Secretary, Department Of Water Resources, Mahanadi Bhawan Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 2 - The Secretary Department Of Revenue And Disaster Management, Mahanadi Bhawan Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 3 - The Collector Bilaspur Collectorate Building Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
- 4 - The Sub Divisional Officer (Revenue)/ Land Acquisition Officer Kota District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
- 5 - The Executive Engineer Water Resources Division Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
- 6 - Isak Mohammad S/o Late Jor Mohammad Aged About 56 Years R/o Village Kamitar, Police Station Kota, Tahsil Takhatpur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

... **Respondents.**

(cause title downloaded from CIS Periphery)

For Petitioner : Mr. Vipin Tiwari, Advocate.

For Res/State : Ms. Vartika Shrivastava, Panel Lawyer.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

25/04/2026

With the consent of the learned counsel for the parties the matter is heard finally.

1. This writ petition under Article 226 of the Constitution of India has been filed seeking a direction against the respondent to amend the award dated 28-11-2026 (Annexure P/1) using the multiplier of '2.00' for calculating compensation and also pay the rehabilitation subvention amount with 12% per annum interest and other dues to the petitioner as per the notification dated 04-01-2017 (Annexure P/8) (*as per relief 10.1*).
2. According to the writ petition, the petitioner is a farmer and having agricultural land bearing Khasra No.802 Area 0.27 Acre situated at Village Kekati, Tahsil Takhatpur, District Bilaspur. The aforesaid land has been acquired vide award dated 28-11-2016 (Annexure P/1), whereby amount of compensation has been calculated by applying multiplier of factor '1' whereas the compensation ought to have been calculated by applying multiplier of factor '2'. Further rehabilitation subvention in proper interest has also not been paid. Hence this petition.
3. Learned counsel for the petitioner submits that while computing impugned award multiplier factor '1' was applied by land acquisition officer as per notification dated 04-12-2014 (No. F-4-28/Seven-1/2014) issued by Government of India under Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth the "**Act 2013**"). However, the said

notification has been quashed by the Hon'ble Division Bench of the Court Vide judgment dated 30-10-2018 passed in WPC No.1649 of 2017 (Smt. Anita Agrawal versus State of C.G. and others) and connected matters, and subsequent to the judgment of this Hon'ble Court the State Government of Chhattisgarh has issued Gazette notification dated 02-05-2019 (Annexure P/6) directing to apply multiplier of factor '2' while granting compensation under the Act 2013.

4. Learned counsel for the petitioner further submits that in view of the aforesaid judgment and Notification dated 02-05-2019 issued by the State Government, multiplier of factor '1' applied by Land Acquisition Officer in the impugned award in respect of the petitioner is not sustainable. Hence relief as prayed for may be granted to the petitioner.
5. On the other hand, learned State Counsel referring to its reply would submit that if petitioner has any grievance with the amount of compensation then he may file an application under Section 64 of the Act 2013. However, despite such efficacious alternative remedy available to the petitioner, he has filed present petition, therefore, the same is not maintainable. State counsel further submits that the judgment passed by the Hon'ble Division Bench on 30-10-2018 and said Notification by the Government was issued on 02-05-2019, meaning thereby the aforesaid order and Notification relied upon by the petitioner, was passed prior to impugned award dated 28-11-2016, therefore, the petitioner is not entitled to get benefit of aforesaid judgment and notification. In view of such submission, counsel prays to dismiss the petition.

6. Heard learned counsel for the parties and perused the material available on record.
7. When query was put to the counsel for the petitioner as to whether he has availed alternative remedy under Section 64 of the Act 2013, he fairly submitted that he has not filed any application under Section 64 of the Act 2013, though Section 64 provides alternative remedy to land oustee who are not satisfied with the compensation award.
8. In the matter of **Leelavathi N. and Others vs. State of Karnataka and Others {2025 SCC OnLine SC 2253}**, the Hon'ble Supreme Court has observed that except in exceptional circumstances, the High Court should not entertain a writ petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance. Relevant paragraphs 35 and 36 reads as under:-

“35. Recently, a three-Judge Bench of this Court in *PHR Invent Educational Society v. UCO Bank*, (2024) 6 SCC 579, has held as under:

“37. It could thus clearly be seen that the Court has carved out certain exceptions when a petition under Article 226 of the Constitution could be entertained in spite of availability of an alternative remedy. Some of them are thus:

- (i) where the statutory authority has not acted in accordance with the provisions of the enactment in question;
- (ii) it has acted in defiance of the fundamental principles of judicial procedure;

(iii) it has resorted to invoke the provisions which are repealed; and

(iv) when an order has been passed in total violation of the principles of natural justice.

38. It has however been clarified that the High Court will not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance.”

36. A careful perusal of the aforesaid judgments leads us to the conclusion that where an efficacious alternate remedy is available, the High Court should not entertain a writ petition under Article 226 of the Constitution of India in matters falling squarely within the domain of the Tribunals.”

9. From perusal of relief sought by the petitioner as well as the law laid down by the Hon’ble Supreme Court in the above case of **Leelavathi N. (supra)**, it appears that the petitioner is having alternative remedy under the law to agitate his dispute as regards grant of compensation by applying multiplier of "2" and for grant of rehabilitation subvention, as such, it would be appropriate to direct the petitioner to avail alternative remedy available to him under the law under Section 64 of the Act, 2013 by approaching the Authority concerned for enhancement of compensation.
10. Hence, it is observed that in case the petitioner shall appropriate application before the Authorities concerned, the Authorities concerned shall consider and decide the same in accordance with the law in a

pragmatic manner keeping in view the fact that this writ petition was filed before this court on 08-12-2020 and it was pending since then.

11. It is also observed that in the eventually of filling of the aforesaid application by the petitioner, the same shall be considered and decided expeditiously preferably within a period of 90 days from receipt/submission of such application.
12. With the aforesaid directions and observations, this writ petition is disposed of.
13. Pending application, if any also stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay