



2026:CGHC:15203



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 226 of 2021**

Radhey Shyam Singh S/o Late Shri Ramadhar Singh Aged About 65 Years R/o Village Kecti, Post Rajpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department of Water Resources, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.

2 - The Secretary Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.

3 - The Collector Bilaspur Collectorate Building Bilaspur, District Bilaspur Chhattisgarh.

4 - The Sub Divisional Officer (Revenue) /land Acquisition Officer Kota District Bilaspur Chhattisgarh.

5 - The Executive Engineer Water Resources Division Bilaspur C.G.

6 - Isak Mohammad S/o Late Jor Mohammad Aged About 56 Years R/o Village Kamitar, P. S. Kota, Tahsil Takhatpur, District Bilaspur Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Vipin Tiwari, Advocate.
For State/Res	:	Ms. Akansha Verma Dabhadker, PL.

**Hon'ble Mr. Justice Amitendra Kishore Prasad****Order on Board****02/04/2026**

1. This Writ Petition has been filed seeking direction to the respondents to pay the difference amount of compensation when using the multiplier of 2 and grant of rehabilitation subvention amount as per the notification dated 04.01.2017 issued by the respondents for compensation of land acquired by the respondent authority under Salkha Diversion Project Minor Cannel Construction, Arpa Bhaisajhar Bairaj Project.
2. By way of this Writ Petition, following reliefs have been prayed by the petitioner:-
 - 10.1 *That, the Hon'ble Court may kindly be pleased to direct the respondents to amend the award dated 28.11.2016 (Annexure P-1) by using the multiplier of 2.00 for calculating the 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), in the interest of justice.*
 - 10.2 *That, the Hon'ble Court may kindly be pleased to call the entire record from the Learned Court below, in the interest of Justice.*
 - 10.3 *That, Any other order of orders or Direction or Relief though just and fit in the circumstances of the case may also kindly be granted.*
3. Facts as projected in the petition are that the petitioner is a farmer and having agricultural land in joint name with his brother Krishna Kumar in Village Kekati, Tahsil Takhatpur Distt. Bilaspur (CG), P. H. No. 17. Khasra No. 7.66, 767, 765, 770, 764, 763 Total area = 1.49 Acre, The government decided to construct Minor Canal from this village and the land of the petitioner also come in this



project so the government has published notification for land acquisition and the factor / multiplier which is multiplied with the market Value of the land is prescribed in the first schedule of section 30(2) of The right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and resettlement act 2013 i.e. 1.00 to 2.00 based on the distance of project from urban area, as may be notified by the appropriate Government. The Government of Chhattisgarh has published a gazette notification dated 04.12.2014 and notified that in case of rural area, the factor by which the market value is to be multiplied shall be 1.00(One). Respondent no. 4 has calculated the compensation as per the notification dated 04.12.2014 and passed the award dated 28.11.2016 in the case of Executive Engineer Vs Rishi Kumar and 87 others. Land of the petitioner of 1.49 Acre is also coming in this project, and the respondent no. 4 has acquired the land of the petitioner and paid compensation of Rs. 16,68,397/- on 28.01.2017. The notification dated 04.12.2014 has been challenged by the various farmers before this Hon'ble Court and the cases were heard finally on 30.10.2018 by the Division Bench of this Hon'ble High Court and in this reported judgment dated 30.10.2018; this Hon'ble High Court has passed the order in para no. 11 as "Drawing analogy from the view taken by the Division Bench of Bombay High Court, we have quoted with due approval, Court is left with no option but to strike down the notification dated 04.12.2014 contained in Annexure P/1. A Direction is issued that keeping in mind the legal position which emerges, the State Government will issue a fresh notification indicating the multiplier factors, in terms of the guidelines laid down in the statute and the judgment." Further the division bench of this Hon'ble High Court has passed order in para 12 as "It goes without saying that all awards and compensations in



relation to not only these petitioners but all such persons whose lands have been acquired and a multiplier of 1.00 has been used for calculating the compensation, the same will be required to be revised and revisited in light of the new notification, which is required to be notified by the State Government, on priority." The respondents have published the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement (determination of multiplier factor in the case of rural area) act 2019 dated 02.05.2019 and fixed the multiplier of 2 in the case of rural areas. The respondents have filed review petition before this Hon'ble High Court REVP No. 190/2019, challenging the legality of para no. 12 of the order dated 30.10.2018 passed by the Hon'ble Division Bench of this Hon'ble High Court in WPC no. 1649/2017 {Smt. Anita Agrawal vs State of Chhattisgarh and others}, the case was heard finally by this Hon'ble High Court on 12.12.2019 given the finding that the Judgment will stand intact, even without paragraph 12' and we do not find any reason to interdict, alter or modify any of the finding or reasoning as discussed and as contained in paragraph 1 to 11, and thereafter the Hon'ble Court has mentioned that we find it appropriate to delete 'paragraph 12 from the judgment dated 30.10.2018 in the aforesaid cases and the last paragraph numbered as '13' will stand replaced and substantiated as paragraph '12' of the judgment. It stands modified accordingly. The Government of Chhattisgarh has published a notification dated 04.01.2017 and notified that in case of Land Acquisition for linear projects the each affected land holders, amount shall be paid as rehabilitation grant in addition to amount of compensation, which shall be equal to 50% of the compensation amount subject to maximum limit of Rs. 5.00 Lakh. These provisions shall be effective for all the cases in which award has been passed on or after 01.01.2014". The



respondents have not considered the representations of the petitioner but they gave the Rehabilitation subvention to the respondent no. 6 by passing supplementary award dated 16.02.2018 as per the rehabilitation policy 2007. The respondents are not considering the case of the petitioner and till now neither rehabilitation subvention amount has been awarded nor the multiplier of 2 has not been used by the respondent no. 4 for calculation of the compensation as per the order passed by the Division Bench of this Hon'ble High Court. Hence this petition.

4. Learned counsel for the petitioner submits that appropriate compensation has not been awarded by the Land Acquisition Officer, Kota, District Bilaspur C.G. vide award (Annexure P/1) dated 28.11.2016. As case of the petitioner is similar to that of Respondent No.6 who has been granted rehabilitation subvention amount but the petitioner has not been granted. He submits that other similarly situated persons have been awarded much more compensation, however, in case of the petitioner, only meagre amount has been awarded. Being aggrieved by the same, the petitioner has filed this petition for the aforementioned reliefs.
5. Learned State counsel submits that there is an alternative efficacious remedy available to the petitioner under the law under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013¹ as such, the petitioner ought to have filed appropriate application before the concerned authority who is having the authority to entertain the application of the petitioner for enhancement of compensation. Hence, this Writ Petition is not maintainable.
6. I have heard learned counsel for the parties and perused the material available

¹ **The Act, 2013**



with the petition.

7. 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.”

(Emphasis Supplied)

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.”*

8. From the perusal of the reliefs sought by the petitioner as well as the law laid down by the Hon'ble Supreme Court in the matter of **Leelavathi N. (supra)**, it appears that the petitioner is having alternative remedy available to him 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 and in case, an appropriate application is filed by the petitioner before the authorities concerned, they are directed to consider and decide the said application of the petitioner in accordance with law in a pragmatic manner taking into consideration of the fact that this writ petition was filed before this Court on 14.12.2020 and it was lying pending since then. The application for the petitioner be decided by the said Authority within a period of 60 days from the date of receipt of such application. Ordered accordingly.
9. With the aforesaid direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge