



CGHC010135582022



2026:CGHC:32782

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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2007 of 2022****Order Reserved on 09.07.2026****Order Delivered on 30.07.2026**

**1** - Sunil Singh S/o Late Ram Vilas Singh Aged About 55 Years R/o Village Bishrampur, Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**2** - Aditya Pratap Singh S/o Shri Sunil Singh Aged About 23 Years R/o Village Bishrampur, Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

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

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

**2** - The Chief General Manager Secl, Bishrampur Area, Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**3** - The Chief Personnel Manager Secl, Bishrampur Area, Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**4** - The Deputy Chief Personnel Manager Secl, Area Bishrampur Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**5** - The Area Personnel Manager Secl, Bishrampur Area, Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**6** - The Sub Divisional Officer Revenue Sub Division Surajpur District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**7** - The State Of Chhattisgarh Through The Collector, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

**... Respondents**

**(Cause-title taken from the Case Information System)**

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For Petitioner :- Mr. Ravi Singh, Advocate

For State :- Mr. Soumitra Kesharwani, P.L.

Fro Respondents No.1 to 5 :- Mr. Pankaj Agrawal, Advocate  
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**SB- Hon'ble Shri Justice Amitendra Kishore Prasad**

**CAV Order**

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have called in question the legality and validity of the order dated 19.07.2019 passed by the Area Personnel Manager, SECL, Bishrampur Area, whereby the claim of the petitioners for

payment of compensation and grant of employment in lieu of acquisition of land has been rejected on the ground that the name of the petitioner does not find place in the list of land oustees/awardees prepared by the competent revenue authority.

2. The case of the petitioners is that land bearing Khasra No.784/50 Kha/1, admeasuring 0.405 acres, situated at Village Kamalpur, was acquired for the benefit of SECL during the year 1993-1994. According to the petitioners, neither compensation has been paid nor employment has been extended in lieu of acquisition. It is contended that despite an earlier direction issued by this Court in W.P.(C) No.2883 of 2016 for consideration of their representation, the respondents rejected the claim by the impugned order solely on the ground that the petitioners' names do not appear in the compensation list prepared by the revenue authorities.

3. Following reliefs have been prayed in this petition:-

*“10.1 That, this Hon'ble Court may graciously be pleased to issue a writ of mandamus/certiorari or of like nature to quash the order dated 19/07/2019 (Annexure P/1) with further direction to the respondent-State authorities to include the name of the petitioners in the list of land oustees and further to send the proposal for payment of*

*compensation and extension of the employment to the SECL.*

*10.2 That, a command/direction may kindly be issued to the respondents to consider the claim of the petitioners as to compensation and employment by holding an enquiry from what date the SECL has taken over the possession of the land and further direction may kindly be given to take strict action against the delinquent officer granting compensation to the petitioners from the date of possession, till the date of payment of compensation with penal interest @ 18% P.A.*

*10.3 That, any other relief which this Hon'ble Court may deem fit and proper may kindly be awarded with cost of the petition.”*

4. The case of the petitioners, in brief, is that petitioner No.1 claims to have been the owner of the land bearing Khasra No.784/50 Kha/1 admeasuring 0.405 acres situated at Village Kamalpur. According to the petitioners, the said land was acquired for SECL during the year 1993-1994. It is alleged that although possession of the land was taken, neither compensation was paid nor employment was provided. It is further pleaded that petitioner No.1 made several representations before the authorities. Thereafter, W.P.(C) No.2883 of 2016 was filed before this Court and by order dated 16.03.2017 the respondents were directed to consider

the representation submitted by the petitioners. Pursuant thereto, representations dated 07.07.2017 and 23.03.2019 were submitted. However, by the impugned order dated 19.07.2019, SECL rejected the claim stating that the petitioners' names do not find place in the list of affected persons/compensation award prepared by the competent revenue authority and, therefore, SECL was not in a position to extend the benefit of compensation or employment. Being aggrieved by the said order, the present writ petition has been preferred.

5. Mr. Ravi Singh, Advocate on behalf of Mr. Ashok Kumar Shukla, learned counsel appearing for the petitioners submits that the impugned order is arbitrary, illegal and unsustainable in law. It is submitted that the land belonging to the petitioners has admittedly been acquired and utilized for the benefit of SECL, yet neither compensation has been paid nor employment has been granted despite the lapse of several years. Learned counsel submits that in the earlier round of litigation this Court had directed the respondents to consider the representation of the petitioners; however, instead of conducting a proper enquiry, the respondents have mechanically rejected the claim solely on the ground that the names of the petitioners do not appear in the compensation

award list. It is contended that such omission cannot defeat the substantive and vested rights of the petitioners. Elaborating the submission, learned counsel contends that though the acquisition proceedings were initiated on 21.03.1991, the petitioner had purchased the subject land on 29.06.1994 and his name stood duly mutated in the revenue records, including the Khasra (P-II), B-1 for the year 1993-94 and the Bhu-Adhikar Rin Pustika, much prior to passing of the compensation award by the Sub-Divisional Officer on 03.07.1998. Thus, the petitioner was the recorded Bhumiswami on the date of the award and was legally entitled to compensation. It is further submitted that the respondents have wrongly attempted to equate the petitioners' claim with that of one Mansay, whereas the petitioners' claim pertains to a distinct parcel of land bearing Khasra No. 784/50 Kha/1 measuring 0.405 acres purchased from Lalan Ram. According to learned counsel, the omission of the petitioners' names from the compensation list is solely attributable to the respondents and such administrative lapse cannot extinguish the petitioners' entitlement to compensation and rehabilitation benefits. It is further argued that SECL cannot evade its statutory responsibility by shifting the burden upon the revenue authorities and, if the names of the petitioners were

omitted from the award list, it was incumbent upon the respondents to verify the revenue records and rectify the mistake. Learned counsel submits that the respondents themselves have admitted in the impugned order dated 19.07.2019 that the petitioners' land has been acquired and, therefore, denial of compensation and employment is wholly arbitrary.

6. It is further contended that non-payment of compensation constitutes a continuing wrong and, therefore, the respondents cannot defeat the claim on the ground of delay and laches, particularly when the petitioners have been continuously pursuing their grievance since the acquisition. In support of the aforesaid submissions, reliance has been placed upon the decisions of the Hon'ble Supreme Court in ***Tukaram Kana Joshi & Others v. MIDC & Others, (2013) 1 SCC 353***, wherein it has been held that the State cannot utilize private land without compensating the recorded owner, and ***Vidya Devi v. State of Himachal Pradesh & Others, (2020) 2 SCC 569***, wherein it has been held that the right to property under Article 300-A of the Constitution is a valuable constitutional right and the State cannot deny compensation by invoking the doctrine of delay and laches. It is further submitted that, if necessary, appropriate directions may be

issued to the revenue authorities to undertake a time-bound demarcation of Khasra No. 784/50 Kha/1 measuring 0.405 acres so as to establish the exact parcel acquired by SECL and, upon such verification, direct SECL to extend compensation together with applicable interest and provide employment in accordance with the applicable rehabilitation policy. Alternatively, if the respondents contend that compensation in respect of the said land has already been disbursed to any third person, they may be directed to produce the relevant award records, payment vouchers, bank transfer details and employment records relating to the said khasra number. Accordingly, it is prayed that the impugned order deserves to be quashed and the respondents be directed to include the names of the petitioners in the list of land oustees and extend all consequential benefits of compensation and employment in accordance with law.

7. Per contra, Mr. Pankaj Agrawal, learned counsel appearing for respondents No.1 to 5 submits that the writ petition is wholly misconceived and deserves to be dismissed. It is submitted that the present petition suffers from gross delay and laches. Though the acquisition proceedings relate to the year 1991/1993-94, the petitioner raised his claim only in the year 2016 and thereafter challenged the order dated

19.07.2019 after nearly three years without furnishing any satisfactory explanation. It is further submitted that the acquisition proceedings were concluded by the competent authority by order dated 03.07.1998 passed by the Sub-Divisional Officer, wherein the list of affected persons was finalized. The name of the petitioner does not find place in the said award or list of land oustees. Learned counsel further submits that the records reveal that the land in question had already been acquired by the Government in the year 1991. Thereafter, the petitioner claims to have purchased the land only on 29.06.1994 through a registered sale deed executed by one Lallan Ram. Since the acquisition had already taken place prior to the purchase made by the petitioner, he cannot claim the status of an original land owner or land oustee. It is contended that compensation is payable only to the person who was the recorded owner on the date of acquisition and whose name forms part of the acquisition award. Likewise, any claim for employment under the rehabilitation policy is also available only to the original land owner whose land stood acquired. It is further submitted that since the petitioner purchased the property subsequent to acquisition, his name never formed part of the award and consequently no right accrued in his favour either for compensation or employment.

It is also argued that the petitioner had an efficacious statutory remedy against the impugned order under the provisions of the Madhya Pradesh Land Revenue Code, which has not been availed. Accordingly, it is prayed that the writ petition deserves to be dismissed.

8. Mr. Soumitra Kesharwani, learned State counsel adopts the submissions advanced on behalf of SECL and further submits that the role of the revenue authorities was confined to conducting the acquisition proceedings and preparing the award in accordance with the records available at the relevant point of time. It is submitted that the award dated 03.07.1998 attained finality and the name of the petitioner did not find place in the list of recorded land owners or awardees. It is contended that the petitioner, having purchased the land subsequent to initiation of the acquisition proceedings, cannot claim any independent right to compensation or rehabilitation contrary to the finalized acquisition records. Learned State counsel further submits that no illegality or procedural irregularity has been committed by the revenue authorities warranting interference under Article 226 of the Constitution of India. Accordingly, it is prayed that the writ petition, being devoid of merit, deserves to be dismissed.

9. I have heard learned counsel for the parties and perused the material available on record.
10. The principal issue which arises for consideration is whether the petitioners are entitled to claim compensation and employment in lieu of acquisition of the land in question.
11. From the pleadings as well as the documents placed on record, it is evident that the acquisition proceedings relating to the land in question had already been initiated and completed by the competent authority in the year 1991, culminating in the award passed by the Sub-Divisional Officer on 03.07.1998. The petitioner, however, claims title over the property on the strength of a registered sale deed dated 29.06.1994, whereby he is stated to have purchased the land from one Lallan Ram. Thus, it is an admitted position that the petitioner entered into the transaction and acquired title over the property only after the acquisition proceedings had already commenced and the land had vested in the acquiring authority.
12. Once the acquisition had taken effect, the vendor himself ceased to possess any subsisting right in the acquired property except the right to receive compensation, if any, in accordance with law. Consequently, any subsequent

purchaser cannot claim a better right than that of his vendor. It is also not in dispute that the petitioner's name does not find place in the award passed by the competent authority or in the list of affected persons prepared during the acquisition proceedings. The claim of the petitioner is, therefore, dehors the acquisition records. The contention of the petitioners that their names ought to be included subsequently in the list of land oustees cannot be accepted. A person who purchases land after acquisition cannot seek substitution of his name in the award nor can he claim to be treated as an original land oustee.

13. The aforesaid conclusion is fortified by the law laid down by the Hon'ble Supreme Court that a purchaser who acquires title after commencement of acquisition proceedings cannot claim any independent right in respect of the acquired land. Such purchaser merely steps into the shoes of his vendor and cannot seek benefits flowing from the acquisition proceedings which had already attained finality.

14. In **Shiv Kumar & Another v. Union of India & Others**, (2019) 10 SCC 229, the Hon'ble Supreme Court reiterated that a subsequent purchaser has no independent locus to challenge acquisition proceedings or claim rights inconsistent

with the acquisition, as the land already stands vested in the State free from all encumbrances.

15. Similarly, in **Government (NCT of Delhi) v. Manav Dharma Trust & Another, (2017) 6 SCC 751**, while recognizing the limited right of a subsequent purchaser to seek the benefit of statutory compensation in appropriate cases under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Supreme Court categorically held that such purchaser does not acquire any higher or independent right than that of the original landowner and remains bound by the acquisition proceedings already concluded.
16. The principle has been consistently followed by the Supreme Court in **Meera Sahni v. Lieutenant Governor of Delhi, (2008) 9 SCC 177**, wherein it was held that transfers effected after initiation of acquisition proceedings do not confer any enforceable right upon the purchaser against the acquiring authority and such purchaser cannot seek to reopen or alter concluded acquisition proceedings.
17. The claim for employment under the rehabilitation policy also stands on the same footing. Such benefit is available

only to the person whose land stood acquired and who satisfies the conditions prescribed under the applicable policy. A subsequent purchaser cannot claim employment merely because he has purchased the acquired land after acquisition proceedings had already been completed.

18. This Court also finds substance in the objection raised by the respondents regarding delay and laches. The petitioner approached the authorities after an inordinate lapse of time and thereafter challenged the impugned order after considerable delay. No satisfactory explanation has been furnished for such prolonged inaction.

19. Apart from the above, the petition also deserves dismissal on the ground of gross delay and laches. The petitioner approached the authorities after more than two decades of the alleged acquisition and thereafter challenged the impugned order after nearly three years without any satisfactory explanation. The Hon'ble Supreme Court in **City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168**, and **State of Maharashtra v. Digambar, (1995) 4 SCC 683**, has held that extraordinary jurisdiction under Article 226 is discretionary

and stale claims are liable to be rejected on the ground of unexplained delay and laches alone.

20. In the present case, the records clearly demonstrate that the acquisition proceedings had already commenced and the land had been acquired in the year 1991, whereas the petitioner claims title only by virtue of a registered sale deed dated 29.06.1994 executed by one Lallan Ram. Therefore, the petitioner is admittedly a subsequent purchaser. His name does not find place in the award nor in the list of affected persons prepared by the competent authority. In view of the law laid down by the Hon'ble Supreme Court in **Shiv Kumar (supra)**, **Government (NCT of Delhi) v. Manav Dharma Trust (supra)** and **Meera Sahni (supra)**, the petitioner cannot claim inclusion of his name in the award, nor can he seek compensation or employment as a land oustee. The claim made in the present writ petition is, therefore, wholly misconceived and devoid of any legal foundation.

21. The impugned order dated 19.07.2019 does not suffer from any jurisdictional error, perversity or arbitrariness warranting interference in exercise of powers under Article 226 of the Constitution of India.

22. Accordingly, the writ petition, being devoid of merit, is **dismissed.**

23. No order as to costs.

sd/-

**(Amitendra Kishore Prasad)**  
**Judge**

Vishakha