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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3144 of 2026

- 1 - Anand Ram (Since Died) Through His Lr Through His Lr
- 1 a - Jeedhram S/o Late Anandram Aged About 40 Years.
- 1 b- Ushat Ram S/o Late Anandram Aged About 35 Years
- 1 c - Mesmati W/o Late Anand Ram Aged About 60 Years
- 2 - Gangaram S/o Mangalsingh Aged About 55 Years
- 3 - Dubraj S/o Jageshwar Aged About 60 Years
- 4 - Manadhar S/o Bhagatram Aged About 60 Years
- 5 - Mukund S/o Parmanand Aged About 76 Years
- 6 - Panika Ram S/o Bhunheshwar Aged About 26 Years
- 7 - Parslal S/o Janakram Aged About 73 Years
- 8 - Dhansingh S/o Raghunath Aged About 70 Years
- 9 - Anesar S/o Bihari Aged About 80 Years
- 10 - Premlal S/o Kartikram Aged About 28 Years
- 11 - Leelambar S/o Dileshwar Aged About 40 Years
- 12 - Chaitan S/o Neelkanth Aged About 55 Years
- 13 - Sukhram S/o Budhu Aged About 50 Years
- 14 - Bodharam S/o Ahibaran Aged About 64 Years
- 15 - Bhupendra S/o Mansingh Aged About 45 Years
- 16 - Ashok S/o Mohitram Aged About 28 Years

17 - Chaitram S/o Jeevardhan Aged About 60 Years
all the petitioners are Farmers and Resident Of Village Milupara Tehsil Tamnar District Raigarh C.G.

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through The Secretary Revenue And Disaster Management Department Mahanadi Bhawan Nawa Raipur District Raipur C.G.
- 2 - Commissioner Bilaspur Division City District Bilaspur C.G.
- 3 - Additional Commissioner Bilaspur Division City District Bilaspur C.G.
- 4 - Collector Land Acquisition Wing City District Raigarh C.G.
- 5 - Sub Divisional Officer Revenue Cum Land Acquisition Officer, Gharghoda District Raigarh C.G.
- 6 - Deputy Chief Engineer Deputy Chief Engineer Construction South East Central Railway Bilaspur District Bilaspur C.G.

... Respondent(s)

For Petitioner(s)	:	Shri Anuroop Panda, Advocate.
For State	:	Shri SS Choubey, GA.
For Respondent No.6	:	Ms. Anmol Sharma, CGC.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

07/07/2026

1. Challenge in this Writ Petition is to the order dated 08.10.2025 passed by the Commissioner, Bilaspur Division, Bilaspur whereby appeal of the petitioner bearing No.202410990200001/A-82/2024-25 has been dismissed in view of the objection raised by Respondent No 6.
2. Brief facts of the case are that the petitioners were all engaged in farming of their respective lands situated at Village-Milupara, situated at ph. Milupara, Tahsil-Tamnar, District-Raigarh. Their lands were notified for the purpose of acquisition for the Railway Corridor Project (0 to 28 K.M.) (about-VI 42.812 hec.), Chhal Feeder Line (about-1 0.506 hec.) and Kharsiya to Kaarichhapar 0-45 K.M. (about-6 0.376 hec.). Total 74 khasras about 11.513 hec., of land

was affected including the land of present petitioners. An award dated 03/07/2024 was passed by the competent authority determining total compensation amounting to Rs.7,62,34,622/-. The petitioners raised objections before the competent authority contending that several superstructures and properties attached to their acquired lands were either omitted or undervalued. Pursuant thereto, joint inspection and spot verification proceedings were conducted by revenue authorities and railway officials. During such proceedings revised details regarding affected superstructures were prepared, however despite the same proper valuation and compensation were not awarded to the petitioners. Being aggrieved by the improper determination of compensation and exclusion/undervaluation of the superstructures situated over their acquired lands, the petitioners preferred proceedings before the learned Commissioner, Bilaspur Division, Bilaspur under Section 20(F)(6) of the Railways Act seeking adjudication/arbitration regarding fair compensation payable in accordance with law. Before the learned Commissioner, the petitioners specifically submitted that the proceedings initiated by them were not in the nature of a statutory appeal simpliciter but proceedings seeking adjudication/arbitration regarding lawful compensation payable for acquired lands and superstructures under the Railways Act and the provisions of the Act of 2013. The petitioners had made objection during the acquisition proceedings when the properties attached to their lands were not evaluated at current market value rates. Therefore, it was necessary for the petitioners that they describe their properties which were attached to their lands so that the same would become the part of the mediation proceedings before the competent authority

and would be helpful and just in deciding the mediation application. Subsequently after rejection of the application, respondent No.4/railway authorities raised preliminary objections before the learned Commissioner mainly contending that no statutory appeal is maintainable under Section 20(F)(6) of the Railways Act and that all affected persons had not been impleaded in the proceedings. Learned commissioner rejected the application of the petitioner vide order dated 08.10.2025. Hence this Petition.

3. Learned counsel for the petitioners submits that the Commissioner rejected the arbitration application of the petitioners mainly on four grounds. First, the petitioner has not preferred an arbitration application instead , they have preferred an appeal. Secondly, there were total 33 persons affected, however, appeal has been preferred by only 17 persons. Thirdly, particulars of the petitioners has not been mentioned properly. Fourth, the petitioners have also instituted another case (No.202501990200016/A-82/2024-2025) for enhancement of compensation.
4. Learned counsel for the petitioner submits that he tried to satisfy the Commissioner that all four objection can be cured. He submits that so far as first ground is concerned, the same can very well be directed if the Commissioner had directed the petitioner to substitute appeal with arbitration application and the for the said purpose, he had also filed amendment application, however, the Commissioner also dismissed the same.
5. Learned counsel for the petitioners further submits that so far as second ground of rejection is concerned that only 17 persons have filed the appeal, whereas 33 were affected. He submits that only 17 persons were willing to file appeal for enhancement of award as such, only 17 have filed the appeal.

6. Learned counsel for the petitioners objects to third ground of rejection on submission that all necessary particulars of the petitioners could have been taken on record if the Commissioner had allowed for the same.
7. Learned counsel for the petitioners now moves on to the fourth ground of rejection on submission that this objection raised by Respondent No.6 is purely baseless, as cause of action in that matter is different.
8. To buttress his submission, counsel for the petitioner relies in the matter of **Pankajbhai Rameshbhai Zalavadiya v. Jethabhai Kalabhai Zalavadiya, (2017) 9 SCC 700**, whereby the Hon'ble Supreme Court has observed at paragraph 16 as under:-

"16. In the matter on hand, though the trial court had rightly dismissed the application under Order 22 Rule 4 of the Code as not maintainable at an earlier point of time, in our considered opinion, it needs to be mentioned that the trial court at that point of time itself could have treated the said application filed under Order 22 Rule 4 of the Code as one filed under Order 1 Rule 10 CPC, in order to do justice between the parties. Merely because of the non-mentioning of the correct provision as Order 1 Rule 10 of the Code at the initial stage by the advocate for the plaintiff, the parties should not be made to suffer. It is by now well settled that a mere wrong mention of the provision in the application would not prohibit a party to the litigation from getting justice. Ultimately, the courts are meant to do justice and not to decide the applications based on technicalities. The provision under Order 1 Rule 10 CPC speaks about judicial discretion of the Court to strike out or add parties at any stage of the suit. It can strike out any party who is improperly joined, it can add anyone as a plaintiff or defendant if it finds that such person is a necessary or proper party. The Court under Order 1 Rule 10(2) of the Code will of course act according to reason and fair play and not according to whims and caprice."

9. Counsel for the petitioner further relies in the matter of **P.K. Palanisamy v. N. Arumugham, (2009) 9 SCC 173**, wherein the Hon'ble Supreme Court in

paragraph No.18 has observed as under:-

“18. Filing of an application for rejection of plaint in a case of this nature as also having regard to the events which have taken place subsequent to registration of the suit appears to us to be mala fide. If the learned trial Judge did not entertain the said plea, the High Court should not have interfered therewith.”

10. Learned counsel for the petitioners lastly submits that the Commissioner even assuming there existed any procedural or technical defect in the pleadings, could have granted opportunities to cure such defects instead of rejecting the proceedings at the threshold.
11. On the other hand, learned counsel for the Respondent No.6 as well State submits that petitioners were under obligation to file appropriate application which has not been done by them, however, they submit that curable defects ought to have been considered by the Commissioner while passing the impugned order.
12. Having heard learned counsel for the parties and upon perusal of the impugned order, this Court finds that the rejection of the petitioners' proceedings by the learned Commissioner is unsustainable in law. The first ground assigned by the Commissioner is that the petitioners had preferred an "appeal" instead of an application under Section 20(F)(6) of the Railways Act. Merely because the proceedings were described as an appeal would not be sufficient to non-suit the petitioners when the substance of the pleadings clearly disclosed that they were seeking adjudication of their claim for proper compensation and valuation of the acquired land and the superstructures standing thereon. It is a settled principle that the nomenclature of a proceeding is not determinative of its true nature and that the Court is required to examine the substance of the relief claimed rather than the label

assigned to the application. More particularly, when the petitioners had also sought amendment of the proceedings to appropriately describe the same, the learned Commissioner ought to have permitted such correction instead of rejecting the proceedings on a purely technical ground.

13. The second ground that only 17 out of 33 affected persons had instituted the proceedings is equally untenable. Every person aggrieved by an award has an independent right to seek adjudication of his grievance. There is no legal requirement that all persons affected by a common acquisition must jointly invoke the remedy available under Section 20(F)(6) of the Railways Act. The rights of the petitioners cannot be defeated merely because some other affected landowners chose not to question the award.
14. The third ground regarding absence of complete particulars of the petitioners is also a curable defect. If any deficiency in the description of the parties or their particulars existed, the proper course for the learned Commissioner was to direct the petitioners to remove such defects within a reasonable time. Rejection of the entire proceedings on that basis is contrary to the well-established principle that procedural laws are intended to advance the cause of justice and not to defeat substantive rights.
15. The fourth ground that another proceeding had been instituted by the petitioners also does not justify dismissal of the present proceedings. The petitioners have specifically asserted that the said proceeding arises out of a distinct cause of action. Whether the two proceedings overlap or seek identical reliefs is a matter requiring examination on merits and could not have been made a ground to reject the present proceedings at the threshold without recording any finding that the claims were identical or legally barred.

16. This Court is also of the opinion that even assuming that there existed certain procedural irregularities or technical defects in the proceedings instituted by the petitioners, the learned Commissioner, being the statutory authority entrusted with adjudication of disputes relating to compensation, ought to have afforded reasonable opportunity to the petitioners to rectify such defects. The approach adopted by the learned Commissioner in dismissing the proceedings at the threshold defeats the object of providing an effective remedy for determination of just and fair compensation. Procedural prescriptions are handmaids of justice and cannot be permitted to override substantial rights, particularly in matters relating to compulsory acquisition of property.

17. Accordingly, the impugned order dated 08.10.2025 passed by the Commissioner, Bilaspur Division, Bilaspur cannot be sustained and is hereby set aside. The matter is remitted to the learned Commissioner to treat the proceedings instituted by the petitioners as an application under Section 20(F)(6) of the Railways Act, permit the petitioners to carry out such amendments and remove such defects as may be necessary, and thereafter decide the matter afresh on its own merits after affording adequate opportunity of hearing to all concerned parties, in accordance with law.

18. It is made clear that no opinion is expressed by this Court on the merits of the claim for enhancement of compensation.

19. With the aforesaid observation/direction, this Writ Petition is **allowed**.

Sd/-
(Amitendra Kishore Prasad)
Judge