



CGHC010275882021



2026:CGHC:44871

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4526 of 2021

1 - Sadhram Rathiya, S/o Late Shri Durupsingh Rathiya, Aged About 47 Years R/o Village Odekera, Tehsil Dabhra, District Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

... **Petitioner**

Versus

1 - State of Chhattisgarh, Through Department Of Revenue And Disaster Management, Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - State Of Chhattisgarh, Through Department Of Commerce And Industries, Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

3 - Collector Janjgir - Champa, District Janjgir - Champa, Chhattisgarh.

4 - Sub Divisional Officer (Revenue) Cum Land Acquisition Officer Dabhra, District Janjgir - Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

5 - Athena Chhattisgarh Power Limited, A Company Having Its Registered Office At 7-1-24/1/ Rt, G-1, B-Block Roxana Tower Greenlands, Begumpet, Hyderabad - 500016, Telangana, India.

6 - State Bank Of India, Through Its General Manager State Bank Bhavan, Madam Cama Road, Mumbai - 400021 And Acting Through Its Branch At

Stressed Assets Management Branch, Secunderabad (Branch Code - 04106), D. No. 6-2-915, 5th Floor, Rear Block Of Hmwssb Compound, Khairtabad, Hyderabad - 500004

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondents No. 1 to 4	:	Mr. Ghanshyam Patel, Advocate.
For Respondent No. 5	:	Mr. Abhishek Sinha, Senior Advocate along with Ms. Jasleen Gulati, Advocate.
For Respondent No. 6	:	Mr. P.R. Patankar, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

16.10.2026

1. The petitioner has filed the instant petition seeking following reliefs:-

“10.1 That, this Hon'ble court kindly be pleased to direct the respondents for taking decision on representation of the petitioner preferred under Section 101 of Act, 2013 regarding return of land on the ground of parity.

10.2 That this Hon'ble Court kindly be pleased to direct the respondents for releasing salary of the petitioner in light of para 11.2.3 of rehabilitation policy 2007.

10.3 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.”

2. Learned counsel for the petitioner submits that the petitioner belongs to the Scheduled Tribe community and is a member of the weaker section of society. It is contended that, in similar circumstances, the State authorities have returned the acquired land to other land losers, whereas the petitioner's land has remained unutilized for more than five years. Therefore, in view of the provisions of Section 101 of the Right to Fair Compensation

and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner is entitled to the return of the acquired land. He further submits that the respondents have failed to provide employment to the land losers in accordance with the State Rehabilitation Policy, 2007, and that a majority of the affected land losers belong to the Scheduled Tribe community and have not been paid the salary or other benefits contemplated under the said policy. Despite repeated representations made by the land losers to the concerned authorities, no effective steps have been taken to address their grievances or ensure their rehabilitation.

3. Learned counsel for respondent No. 5/Athena Chhattisgarh Power Limited, while opposing the submissions made by learned counsel for the petitioner, submits that the petitioner has suppressed material facts and made misleading statements regarding the acquisition of the subject land, which was acquired in the year 2010–11 under the provisions of the Land Acquisition Act, 1894, for industrial purposes at the instance of the Commissioner, Directorate of Industries, Chhattisgarh, and not specifically for the construction of a power plant. He next contends that, upon taking possession, the land vested absolutely in the State Government free from all encumbrances and was subsequently allotted to respondent No. 5 by the Chhattisgarh State Industrial Development Corporation (CSIDC) under a registered lease for a period of 99 years. He further submits that the petitioner has

already received the compensation awarded for the acquired land, and the acquisition proceedings have attained finality without any challenge. It is further submitted that Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is inapplicable to the subject land, as the acquisition was completed under the Land Acquisition Act, 1894, prior to the enactment of the 2013 Act, and, therefore, no right to seek reversion of the land accrues to the petitioner under the said provision. He also submits that the Land Acquisition Officer has no jurisdiction to entertain the petitioner's representation seeking the return of the acquired land. It is also contended that the project activities had commenced after the acquisition of the land, with more than 60% of the construction having been completed before the initiation of liquidation proceedings against respondent No. 5 under the Insolvency and Bankruptcy Code, 2016. Subsequently, Vedanta Limited acquired respondent No. 5 as a going concern, and the project is now at an advanced stage of recommencement, subject to the requisite statutory approvals, including environmental clearance. It is further submitted that respondent No. 5 has extended the benefits admissible under the State Rehabilitation and Resettlement Policy, 2007, to the petitioner and continues to comply with the applicable provisions. He lastly submits that the land cannot be treated as unutilized within the meaning of Section 101 of the 2013 Act and that the writ petition, being devoid of merit and based on

suppression of material facts, deserves to be dismissed with exemplary costs.

4. Learned counsel for the State, while supporting the submissions advanced by learned counsel for respondent No. 5, submits that the subject land was acquired in the year 2010–11 under the provisions of the Land Acquisition Act, 1894, and the compensation has already been paid to the petitioner. It is further submitted that Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is not applicable to the acquisition in question, as the proceedings were completed under the old Act. Accordingly, the petitioner is not entitled to seek the return of the acquired land under the said provision.
5. I have heard learned counsel for the parties and also perused the documents annexed along with the petition.
6. Submission of learned counsel for the respondent No. 5 that land acquisition proceedings is under the old Act i.e., Act of 1894 is not disputed by learned counsel for the petitioner. It is also not disputed by the counsel for the petitioner that under the old Act there is no provision of reversion of land, if it is not used after its acquisition within specified time.
7. In the aforementioned facts of the case where the acquisition of land of petitioner is under the Act of 1894, provision of the Act of 2013 will not be applicable to the facts of the case and therefore the petitioner cannot be granted any relief relying upon the

provision under the Act of 2013. Accordingly the prayer of reversion of land based on Section 101 of Act, 2013 made by learned counsel for the petitioner is rejected.

8. In the aforementioned facts of the case as the petitioner has not approached the Committee constituted under the Rehabilitation and Resettlement Policy 2007 without going into merit of the claim of petitioner, the writ petition stands disposed of at this stage permitting the petitioner to approach the authority/Committee constituted under the Rehabilitation and Resettlement Policy 2007 for redressal of their grievance by way of filing appropriate application/representation and if any application/representation is submitted, concerned authority/Committee shall consider the claim of petitioner on its own merits, expeditiously, giving opportunity of hearing to respondents.
9. It is made clear that this Court has not made any observation of merits of claim of the petitioner and it will be for the Committee/Authority to consider the claim of the petitioner on its own merits in accordance with law, keeping in mind that the liquidation proceedings initiated by the official liquidator.
10. With this observation and direction, the petition stands **disposed of.**

Sd/-
(Amitendra Kishore Prasad)
Judge