



CGHC010294392020

2026:CGHC:44854

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 162 of 2021

- 1 - Harish Kumar Jhariya Son Of Late Shri Babulal Thariya Aged About 42 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 2 - Tribhuwan Singh Rathiya Son Of Govind Ram Rathiya Aged About 32 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 3 - Chandrika Prasad Chandra Son Of Piriyalal Chandra Aged About 54 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 4 - Pavitra Singh Son Of Gendalal Rathiya Aged About 34 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 5 - Ganesh Ram Rathiya Son Of Salikram Aged About 58 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 6 - Ganesh Ram Jhariya Son Of Makardwaj Jhariya Aged About 57 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 7 - Moti Lal Rathiya Son Of Rai Singh Aged About 45 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 8 - Parshuram Son Of Daulatram Aged About 55 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

9 - Ganpat Rathiya Son Of Dal Sai Rathiya Aged About 40 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

10 - Heera Bai Rathiya Son Of Thanda Ram Rathiya Aged About 60 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

11 - Smt. Yashoda Dansena Wife Of Nankiram Dansena Aged About 70 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

12 - Smt. Gulapi Bai Wife Of Bhutanglal Aged About 60 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

13 - Smt. Sita Jhariya Daughter Of Late Gajadhar Jhariya Aged About 25 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

14 - Smt. Ramkunwar Wife Of Late Ram Sai Aged About 50 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

15 - Maniram Rathiya Son Of Ghasiram Rathiya Aged About 70 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

16 - Shuklal Rathiya Son Of Jairam Rathiya Aged About 65 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

17 - Digambar Rathiya Son Of Maniram Rathiya Aged About 50 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

18 - Chandan Singh Rathiya Son Of Girwar Rathiya Aged About 35 Years Resident Of Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

--- **Petitioners**

versus

- 1 - State Of Chhattisgarh Through Secretary Revenue And Revenue Department, Mantralaya Mahanadi Bhawan, Naya Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
- 2 - Collector Raigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 3 - Land Acquisition Officer / Sub Divisional Officer (Revenue) Dharamjaigarh, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
- 4 - Godawary Energy Pvt. Ltd. Heera Arked Raipur Through J.P. Tiwari Caste Bramhan R/o. Ashok Nagar, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 5 - Chief General Manager Godawary Energy Pvt. Ltd. District Vyapar And Udyog Kendra, Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
- 6 - Deputy Chief Engineer South East Central Railway, Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

--- Respondents

WPC No. 321 of 2022

- 1 - Munilal Mehar S/o Late Dayaram Aged About 58 Years R/o Village Chitapali, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.
- 2 - Roopchand Mehar S/o Late Dayaram Aged About 60 Years R/o Village Chitapali, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.
- 3 - Shyamnarayan Mehar S/o Late Dayaram Aged About 45 Years R/o Village Chitapali, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

---Petitioners

Versus

- 1 - State Of Chhattisgarh Through Secretary, Revenue And Revenue Department, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh.
- 2 - Collector, Raigarh, District Raigarh Chhattisgarh.
- 3 - Land Acquisition Officer/sub Divisinal Officer (Revenue), Dharamjaigarh, District Raigarh Chhattisgarh.

4 - Godawary Energy Pvt. Ltd. Heera Arked Raipur, Through J.P. Tiwari Caste Bramhan R/o. Ashok Nagar, Raipur District Raipur Chhattisgarh.

5 - Chief General Manager, District Vyapar And Udyog Kendra, Raigarh, District Raigarh Chhattisgarh.

6 - Deputy Chief Engineer South East Central Railway, Raigarh, District Raigarh Chhattisgarh.

--- Respondents

For Petitioners	:	Mr. Ravi Kumar Banjare, Advocate appears on behalf of Mr. Manoj Kumar Jaiswal, Advocate
For Respondent No.4	:	Mr. Varchasva Agrawal, Advocate appears on behalf of Mr. K.Rohan, Advocate
For Respondent No.6	:	Ms. Shweta Rai, Advocate appears on behalf of Mr. R.K. Mishra, DSGI for Union of India
For State	:	Mr. Shobhit Mishra, Deputy GA

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

16/10/2026

1. The petitioners, in Writ Petition No.162/2021, have prayed for the following reliefs:-

“(i) That, this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the petitioner's case, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to quash impugned order dated 26.07.2019 (Annexure P-1) passed by the land acquisition officer/ respondent no. 3 in revenue Ma. No. 07/A-82/2019 which is arising out of order/award dated 16.08.2011 (Annexure P-2) passed by the land acquisition officer/ respondent no. 3 in land acquisition case no. 03/A-82/2010-2011 in respect

of the petitioners or to provide job in the respondent department to the petitioners, in the interest of justice.

(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to make payment of compensation as per market value and provide job in accordance with provision of the Act 2013.

(iv) That, this Hon'ble Court may kindly be pleased to commend and direct the respondent authorities to pay damages, solatium with interest to the petitioners.

(v) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. The petitioners, in Writ Petition No.321/2022, have prayed for the following reliefs:-

“(i) That, this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the petitioner's case, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to quash impugned order dated 26.07.2019 (Annexure P-1) which is arising out of order/award dated 16.08.2011 (Annexure P-2), in the interest of justice.

(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to make payment of compensation as per market value with interest and provide job in accordance with provision of the Act 2013.

(iv) That, this Hon'ble Court may kindly be to commend and direct the respondent authorities to

pay damages, solatium with interest to the petitioners.

(v) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to provide the rehabilitation in lieu of acquiring land of the petitioners, in the interest of justice.

(vi) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

3. Facts of the case in brief are that the petitioners' land situated at Village Chitapali, Tahsil Dharamjaigarh, District Raigarh (C.G.), was acquired by the respondent authorities in the year 2010 for the purposes of an industry established by Godawari Energy Pvt. Ltd., and an award was passed on 16.08.2011, granting compensation to the petitioners. It is contended that the petitioners continued in possession of the land. Thereafter, vide order dated 26.07.2019, the land was again acquired for the East Rail Corridor Special Rail Project from Kharsiya to Dharamjaigarh and Gharghoda to Dongabhauna, without following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, “the Act of 2013”). The petitioners contend that they have not been paid compensation in accordance with the provisions of the Act of 2013, nor have they been provided employment benefits, despite repeated representations to the concerned authorities. Hence, the present petition.
4. Learned counsel for the petitioners submits that the petitioners are challenging the award dated 16.08.2011. He further submits that the petitioners and other similarly situated persons have already received the

compensation awarded under the said award. However, the petitioners have filed the present petitions seeking modification of the compensation awarded on 16.08.2011 and, by quashing the subsequent order dated 26.07.2019, seek a direction to the respondent authorities to grant compensation in accordance with the provisions of the Act of 2013.

5. Learned State counsel submits that the acquisition proceedings were initiated under the Land Acquisition Act, 1894, and the award was passed on 16.08.2011, prior to the enactment of the Act of 2013. He further submits that the petitioners have already received the compensation awarded under the said award and, therefore, they cannot seek compensation afresh under the Act of 2013.
6. Learned counsel for respondent No. 6/Railways also submits that the writ petitions are devoid of merit, as the award was passed on 16.08.2011 and the petitioners have already received the compensation awarded thereunder. He further submits that the petitioners' claim for compensation in accordance with the provisions of the Act of 2013 is misconceived and is not sustainable in law.
7. Having heard learned counsel for the parties and upon perusal of the record, it appears that the award in respect of the acquisition of the petitioners' land was passed on 16.08.2011 under the Land Acquisition Act, 1894, and the petitioners have already received the compensation awarded thereunder. The petitioners are seeking compensation in accordance with the provisions of the Act of 2013 by challenging the

subsequent order dated 26.07.2019. However, in view of the fact that the original award was passed prior to the enactment of the Act of 2013, the petitioners cannot claim compensation under the Act of 2013 merely on that ground. Accordingly, no relief, as sought by the petitioners, can be granted in the present writ petitions.

8. Consequently, both the writ petitions are dismissed

Sd/-
(Amitendra Kishore Prasad)
Judge

Priyanka