



CGHC010322872023



2026:CGHC:32437

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8333 of 2023

Budhram Khande S/o. Late Shri Dhaniram Khande, Aged About 44 Years R/o.
Village - Chandashekharpur, Tahsil Dharamjaigarh, District - Raigarh, Chhattisgarh.

--- Petitioner

versus

1 - South Eastern Coal Fields Ltd, Through The Managing Director, Seepat Road,
Bilaspur, District - Bilaspur, Chhattisgarh.

2 - South Eastern Coal Fields Limited, Through General Manager (Land Revenue),
Raigarh, Project, District - Raigarh, Chhattisgarh.

3 - Presiding Officer (Land Revenue), Secl, Raigarh, District - Raigarh,
Chhattisgarh.

4 - State Of Chhattisgarh Through Collector, Raigarh, District - Raigarh,
Chhattisgarh.

5 - Sub - Divisional Officer (Revenue), Dharamjaigarh, District - Raigarh,
Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. Krishna Kumar Dewangan, Adv.
For Respondent No. 1 to 3	:	Mr. Rahul Mishna, Adv.
For Respondents No. 4 and 5	:	Mr. D.R. Minj, Dy. Adv. General.

Hon'ble Shri Justice Naresh Kumar Chandravanshi

Order On Board

28-7-2026

1. The petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking following reliefs :-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 10/08/2023 (ANNEXURE P-9).

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to grant the petitioner a job as per his qualifications.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to grant bonus reward as per the circulars of the State Government.

10.5 That, the Hon'ble Court may kindly be pleased to grant any other relief, to which this Hon'ble Court may deems just and proper in the interest of justice.”

2. The facts of the case, as projected in the writ petition, are that land bearing Khasra No. 107/8, admeasuring 1.619 hectares, situated at Village Chandrashekharpur, Tahsil Dharamjaigarh, District Raigarh, was acquired by the respondents/SECL during the year 1993-94. The petitioner passed his matriculation examination in the year 1995. According to the petitioner, his father, late Dhaniram Khande, submitted a representation (Annexure P-2) on 29-8-2003 nominating

the petitioner for employment on account of the land acquisition. Thereafter, respondent No. 3 vide communication (Annexure P-3) dated 30-6-2008 informed that employment against the acquired land had already been granted to Triloki, son of Budhram. The petitioner has pleaded that Triloki is his cousin. It is further averred that the appointment order of Triloki (Annexure P-4) dated 7-10-2004 does not disclose that his appointment was made against the acquisition of the said land. According to the petitioner, despite making several representations seeking employment under the rehabilitation policy, no employment was provided to him. Ultimately, by order dated 10-8-2023 (Annexure P-9), the respondents informed the petitioner that he was not entitled to employment under the prevailing rehabilitation policy. Aggrieved thereby, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that late Dhaniram Khande, the petitioner's father, had been adopted by late Samarin Bai on 6-9-1990 and, therefore, became her adopted son. It is further submitted that Basant Kunwar was the natural daughter of late Samarin Bai, who was the owner of land bearing Khasra No. 107/8, admeasuring 1.619 hectares, situated at Village Chandrashekharpur, Tahsil Dharamjaigarh, District Raigarh. The said land was acquired by the respondent/South Eastern Coalfields Limited (SECL) pursuant to the award dated 8-4-1994 (Annexure R-1-3/1) passed by the Sub-Divisional Officer, Dharamjaigarh. Learned counsel submits that after the death of Samarin Bai in the year 1990, the aforesaid land was partitioned between Basant Kunwar and Dhaniram Khande, the adopted son of Samarin Bai. In the said partition, approximately two acres of land fell

to the share of Dhaniram Khande. Consequently, out of the total compensation awarded for the acquisition, half of the compensation amount was paid to the petitioner's father. Thereafter, by communication dated 29-8-2003 (Annexure P-2), Dhaniram Khande nominated the petitioner for employment. However, the request was rejected by SECL vide communication dated 30-6-2008 (Annexure P-3), and the subsequent application submitted by the petitioner was again rejected by the impugned order dated 10-8-2023 (Annexure P-9). It is contended that since Samarin Bai had died prior to the award dated 8-4-1994 and Dhaniram Khande was her adopted son, who had also received half of the compensation amount, the petitioner is entitled to employment under the rehabilitation policy. It is, therefore, prayed that the impugned order be quashed and the respondents be directed to provide employment to the petitioner in accordance with his qualifications.

4. Respondents No. 1 to 3/SECL have filed its return. Learned counsel appearing for SECL submits that late Dhaniram Khande was not the natural son of late Samarin Bai, whereas Basant Kunwar was her natural daughter. Therefore, on account of the acquisition of the land belonging to Samarin Bai, employment was granted to Triloki, the son of Basant Kunwar. It is further submitted that at the time of acquisition, the entire land bearing Khasra No. 107/8, admeasuring 1.619 hectares, constituted a single unit in the name of Samarin Bai. Consequently, only one employment could be granted against the acquisition of the said land, which has already been provided to Triloki. Learned counsel further submits that the petitioner has not pleaded anywhere in the writ

petition that his father, late Dhaniram Khande, was the adopted son of Samarin Bai. This contention is based on communication dated 24-5-2008 sent by the Sub Divisional Officer (Revenue), Dharamjaigarh to the Collector, Raigarh, which has been filed by the SECL, in which it has been mentioned that Dhaniram was adopted by Samarin Bai by written Godnama on 6-9-1990. It is submitted that the present writ petition was filed on 21-9-2023 mentioning the age of the petitioner as about 44 years. Thus, in the year 1990, the petitioner would have been about 11 years of age. Consequently, the age of his father, Dhaniram Khande, could not possibly have been below 15 years, whereas clause (iv) of Section 10 of the Hindu Adoptions and Maintenance Act, 1956 (for short, "the Act of 1956"), prescribes that the person to be adopted must not have completed the age of fifteen years, unless a valid custom or usage permits otherwise. It is, therefore, contended that the alleged adoption itself is legally untenable. It is further submitted that since Samarin Bai was the sole owner of the acquired land at the relevant time and one employment has already been granted to her grandson Triloki, the petitioner has no enforceable right to claim another employment. Hence, the writ petition deserves to be dismissed.

5. Learned State counsel submits that the State is only a formal party to the proceedings.
6. I have heard learned counsel for the parties and perused the material available on record.
7. The award dated 8-4-1994 (Annexure R-1-3/1) clearly demonstrates

that when the land bearing Khasra No. 107/8 area 1.619 hectare was acquired, at that time, Samarin Bai, wife of late Udayram Satnami was sole owner of aforesaid land. It is not in dispute that Basant Kunwar was the sole daughter of Samarin Bai. The communication dated 30-6-2008 (Annexure P-3) further reveals that employment against the acquisition of the said land had already been provided to Triloki. Merely because a part of the compensation amount was subsequently paid to late Dhaniram Khande would not, by itself, confer an independent right to claim employment under the rehabilitation policy.

8. Significantly, the petitioner has not pleaded in the writ petition that his father, late Dhaniram Khande, was the adopted son of Samarin Bai. Even if such contention is considered on the basis of the communication dated 24-5-2008 issued by the Sub-Divisional Officer (Revenue), Dharamjaigarh, it is stated therein that the adoption took place on 6-9-1990 by way of a written *Godnama*. Having regard to the age of the petitioner disclosed in the writ petition i.e. 44 years on 22-9-2023, he would have been about 11 years old in the year 1990. Consequently, his father could not reasonably be presumed to have been below the age of fifteen years at the time of the alleged adoption. In view of clause (iv) of Section 10 of the Act of 1956, such adoption cannot prima facie be accepted as legally valid in the absence of any pleading or material regarding a custom or usage permitting adoption beyond the prescribed age.
9. Thus, it is evident that at the time of acquisition, the acquired land constituted a single unit exclusively owned by Samarin Bai. Against the acquisition of the said land, one employment has already been granted

to Triloki. The petitioner has failed to establish either a legal entitlement under the applicable rehabilitation policy or any enforceable right to claim a second employment against the same acquisition. The challenge to the impugned order dated 10-8-2023, therefore, has no merit.

10. Consequently, the writ petition, being devoid of merit, is hereby dismissed. The impugned order dated 10-8-2023 (Annexure P-9) does not warrant interference in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. No order as to costs.
11. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

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AVANISH KUMAR PATHAK
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