2026:JHHC:27676

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.6436 of 2026

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1. Birbal Saw, aged about 77 years, son of Late Gokhul Sao
2. Sukhdeo Sao @ Sukhdeo Prasad aged about 74 years son of Ardhu Sao;
3. Mahesh Teli, aged about 64 years, son of Late Munshi Teli @ Munshi Sao,

All are residents of village- Saunda, P.O.- Saunda, P.S.- Patratu, District Ramgarh. …… **Petitioners**

Versus

1. State of Jharkhand,
2. Deputy Commissioner, Ramgarh, P.O. and P.S. Ramgarh, District- Ramgarh,
3. District Land Acquisition Officer, Ramgarh, P.O. and P.S. Ramgarh, District- Ramgarh,
4. District Land Acquisition Officer, Hazaribagh, P.O. and P.S.- Hazaribagh.
5. Central Coalfields Limited through its Chairman-Cum-Managing Director, Office at Darbhanga House, P.O.- G.P.O., P.S.- Kotwali, District- Ranchi. …… **Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Randhir Sharma, Advocate
For the Respondent(s) : Mr. Manoj Kumar, GA-III

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03/11.09.2026: By way of filing this writ petition, the petitioners have sought for the following reliefs –

> *(i)For issuance of appropriate Writ or Writs, direction or directions, order or orders commanding the concern Respondents to prepare Fresh Award under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Re-settlement Act, 2013, for the acquired land of the Petitioners because Enhanced Award has not been deposited in the Accounts of the beneficiaries;*
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> *(ii) In Alternative, Petitioners pray for issuance of appropriate Writ or Writs direction or directions, order or orders commanding the Concern Respondents to pay the enhance compensation under section 28A of the Land Acquisition Act, 1894 because Petitioners have made Application under section 28A of the Land Acquisition Act, 1894 in the year 1991 before the Land Acquisition*

Officer, Hazaribagh but till date Concern Respondents have not paid enhance compensation to the petitioners without any proper reasons.

2. The facts of the case are that the petitioners' lands situated at village-Saunda, P.S.-Patratu, District-Ramgarh (formerly Hazaribagh), were acquired in 1980–81 in L.A. Case No. 2/1980–81 for mining extension of C.C.L., Saunda "D" Sayal Colliery, and compensation was paid to them, which they accepted under protest. Compensation for similarly situated landowners was subsequently enhanced by orders dated 19.07.1990 and 11.10.1991 passed in L.A. Case No. 27/1986 to L.A. Case No. 46 of 1986 and L.A. Case No. 43 of 1990 to L.A. Case No.67 of 1990 respectively. Claiming parity, the petitioners filed applications under Section 28A of the Land Acquisition Act, 1894 on 27.11.1991, which remained undecided. Alleging non-redetermination and non-payment of enhanced compensation, the petitioners have approached this Court seeking re-determination and payment of compensation under Section 28A of the Land Acquisition Act, 1894, or alternatively, a fresh award under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Re-settlement Act, 2013.

3. Learned counsel for the petitioners submits that the petitioners' land was acquired under the same notification as those of similarly situated landowners whose compensation was enhanced by the Land Acquisition Court. The petitioners, having received the original compensation under protest, duly applied for redetermination under Section 28A of the Land Acquisition Act, 1894, but their applications have been pending since then. It is further submitted that the authorities cannot defeat the petitioners' statutory claim merely because the applications were subsequently misplaced after being forwarded from Hazaribagh to Ramgarh.

Accordingly, the respondents may be directed to decide the Section 28A applications and pay the enhanced compensation, with consequential reliefs as permissible in law.

4. Learned counsel for the respondents submits that the writ petition is misconceived and suffers from an inordinate and unexplained delay of more than three decades. Though compensation was duly determined and paid to the petitioners, they admittedly did not seek reference under Section 18 of the Land Acquisition Act within the prescribed period. Learned Counsel for the respondent denied the submission of the petitioner that they have filed applications under Section 28A dated 27.11.1991, as it is not available in the official records. It is further submitted that the petitioners' reliance on Section 24(2) of the 2013 Act is wholly misconceived, as compensation was already paid and possession was taken. The counsel for the respondents contends that the remedy under Section 28A is subject to the statutory limitation and procedural requirements. He further submits that it cannot be revived after decades. Accordingly, the writ petition, being stale and devoid of merit, is liable to be dismissed on the grounds of delay and laches as well as on merits.

5. Having heard learned counsel for the parties and upon consideration of the pleadings, it appears that the petitioners' land was acquired in the year 1980-81 and compensations were duly determined and paid to them. The petitioners claimed parity with similarly situated landowners, who filed applications under Section 28A of the Land Acquisition Act, 1894 on 27.11.1991 for enhancement of compensation. After about 35 years petitioner woke up from deep slumbers and filed this writ petition seeking redetermination of compensation and consequential relief.

6. It is a settled principle that delay, laches, and acquiescence disentitle a litigant from claiming parity of treatment. In **U.P. Power Corporation Ltd. v. Ram Gopal, 2020 SCC OnLine SC 101** the Hon'ble Supreme Court has ruled that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the others who obtain the benefits of the judgment. The paragraph 16 of the judgement reads as under:

> *16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In SS Balu v. State of Kerala, this Court observed thus:*
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> *"17. It is also well-settled principle of law that "delay defeats equity". …It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment."*

7. The petitioners, who are fence sitters, failed to challenge the action in their own cases, acquiesced therein, and choose to awaken only after a long delay cannot claim same and similar benefits which were extended to similarly situated land losers. The petitioners have failed to furnish any satisfactory explanation for such prolonged inaction. A stale claim, particularly one relating to an acquisition and award made more than three decades ago, cannot be entertained in exercise of the discretionary jurisdiction

under Article 226 of the Constitution. Thus, I find that no merit in the writ petition.

8. Accordingly, this writ petition is **dismissed**.

9. Pending interlocutory application(s), if any, also stand disposed of.

(ANANDA SEN, J.)

11.09.2026
Tanuj/CP-2

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