CGHC010084682021 2026:CGHC:45472

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1763 of 2021

Pankaj Agrawal S/o Shree Puran Chand Agrawal Aged About 41 Years R/o Kundala City, Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Sub Divisional Officer Water Resources Department, Sub Division No. 1, Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

3 - Executive Engineer Water Resources Department Division No. 1, Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

4 - Collector Surguja Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

5 - Urvashi Singh D/o Thakur Singh Aged About 55 Years R/o Village Sundarpur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

... Respondent(s)

(Cause title taken from CIS System)

For Petitioner(s)	**:**	Ms. Priyanka Mehta, Advocate

For Respondent(s) **:** Mr. Shobhit Mishra, Dy. G.A.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28.10.2026

1. The petitioner has filed the instant writ petition assailing the letter/order bearing No. 64/Anu. Li./2021, Ambikapur, dated 19.02.2021, issued by respondent No. 2, whereby the petitioner has been directed to vacate the land bearing Khasra No. 336/1, admeasuring 0.453 hectares, situated at Village Sundarpur, Block Ambikapur, District Surguja (C.G.) (hereinafter referred to as the “land in question”), within 15 days, on the ground that the land in question was acquired by the respondent Water Resources Department on 07.06.1982 and that the petitioner is attempting to encroach upon the said land and therefore, the petitioner has filed the instant writ petition seeking the following reliefs:–

> *“ 10.1 That, this Hon'ble Court may kindly be issued a appropriate writ/writs, order/orders, direction/directions to quash order/ letter/order bearing no. 64/Anu. Li./2021 Ambikapur dated 19.02.2021 issued by respondent no. 2 (Annex. P/1) and respondent nos. 1 to 5 may kindly be directed not to interfere in possession of petitioner no.336/3 01/21 hectan) purchased land (Khasra No. 336/3 area 0.121 hectare) according to four boundaries mentioned in his sale deed (Annex. P/2).*
>
> *10.2 That, the Hon'ble Court may kindly be called entire record of alleged Land Acquisition.*

10.3. Any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with the cost of the petition, may also please be granted to the petitioner."

2. Brief facts of the case are that the petitioner purchased land bearing Khasra No. 336/1, admeasuring 0.121 hectare, situated at Village Sundarpur, Block Ambikapur, District Surguja (C.G.), forming part of the land in question, from respondent No. 5, the erstwhile owner, vide registered sale deed dated 29.04.2011 for a consideration of Rs. 62,000/- (Rupees Sixty-Two Thousand Only), and acquired title and possession thereof. Thereafter, the petitioner got his name mutated in the revenue records and obtained a Rin-Pustika. Subsequently, Khasra No. 336/1 was renumbered as Khasra No. 336/3. Petitioner submits that since the date of purchase, he has been cultivating the land and has enclosed it with a boundary wall. Neither the villagers nor the officers or employees of the respondent Department raised any objection or interfered with his possession. The petitioner claims to be in peaceful, continuous and uninterrupted possession of the purchased land. He further submits that he has not encroached upon any portion of the remaining land in question and is in possession only of the land falling within the boundaries specified in the sale deed. After about ten years from the date of purchase, respondent No. 2 issued the impugned letter, stating that the land in question had been acquired by the Water Resources

Department, Ambikapur, and that compensation had been paid to Budhraj Kunwar, widow of Shivkushal Singh, and Urvashi Singh vide cheque No. 17A dated 07.06.1982. The petitioner was alleged to be attempting to encroach upon the land and was directed to vacate the same within fifteen days. The petitioner further submits that the impugned letter was issued on the basis of information dated 16.02.2021, a copy of which was not enclosed with the letter. The letter also does not disclose the person who provided the information or its source. No show-cause notice was issued to the petitioner, nor was any opportunity of hearing afforded to him before issuance of the impugned letter. Upon receiving the impugned letter, the petitioner obtained a certified copy of the B-1 record pertaining to the land in question for the year 1984–85 to ascertain the alleged acquisition. However, the said record continued to reflect the names of Budhram Kunwar and Urwashi Singh as owners of the land, which, according to the petitioner, establishes that the erstwhile owners continued to be recorded as such even after the alleged acquisition. The petitioner contends that the impugned letter/order issued by respondent No. 1 is illegal, erroneous and contrary to law and has, therefore, filed the instant writ petition.

3. Ms. Priyanka Mehta, learned counsel appearing for the petitioner submits that the petitioner is aggrieved by the notice dated 19.02.2021 issued by respondent No. 2, by which the respondent authority has directed the petitioner to vacate the land which has

been encroached upon by him, bearing Khasra No. 336/1, admeasuring an area of 0.453 hectare, situated in Village Sundarpur, Block Ambikapur, District Surguja (C.G.). She further submits that the land in question was purchased through a registered sale deed dated 29.04.2011 from respondent No. 5 and as such, he is not an encroacher. Respondent No. 5 was in possession of the suit land and her name was recorded in the revenue records; as such, she purchased the property. The petitioner cannot be turned into an encroacher of the said land and, as such, the impugned notice is not in accordance with law and is liable to be quashed.

4. Mr. Shobhit Mishra, learned counsel for the State submits that the land in question had already been acquired by the State way back in the year 1982 and compensation had accordingly been granted to respondent No. 5 vide Cheque No. 17-A dated 07.06.1982. Thereafter, the respondent authorities took possession of the land. However, the petitioner was subsequently found to be in possession of the said land and accordingly, a notice for removal of encroachment was issued to him. He further submits that the documents relating to the payment of compensation, comprising three pages, were also supplied to the petitioner along with the notice for removal of encroachment. Learned counsel further submits that respondent No. 5 appears to have defrauded the petitioner by selling the land that had already been acquired by the State in the year 1982. In view of the aforesaid facts, no relief

can be granted to the petitioner in the present petition. He further submits that the petitioner may, at best, avail himself of appropriate civil and criminal remedies against respondent No. 5 for the alleged fraud committed by her.

5. Having heard, respective counsel at length and have perused the documents appended with the petition.The issue involved in the present matter has already been decided by the Hon'ble Apex Court in the matter of ***Delhi Development Authority vs. Damini Wadhwa and Others,***[1] in paras 12, 13, 14 and 15, which read as under:-

> ***"12. At the outset, it is required to be noted that from the counter filed on behalf of the DDA, which is on record, it appears that the respondent No. 1 – original writ petitioner filed the writ petition and claimed the right, title, or interest in the lands in question on the basis of the Agreement to Sell dated 22.05.2016. As per the settled position of law, Agreement to Sell by itself does not confer any right, title, or interest. Even in the counter affidavit, the appellant doubted the genuineness of the transaction of the Agreement to Sell dated 22.05.2016. A specific plea was taken on behalf of the DDA on the locus of the original writ petitioner. However, the High Court has not at all dealt with***

1 (2022) 10 SCC 519

and/or considered the issue with respect to the locus of the original writ petitioner.

13. Be that it may, even considering the fact that the Agreement to Sell was of the year 2016 and considering the fact that the notification under Section 4 of the Act, 1894 was issued on 25.11.1980, therefore, it is apparent that the original writ petitioner allegedly derived the interest in the lands in question much after the acquisition proceedings were initiated and therefore, the respondent No. 1 – original writ petitioner can be said to be subsequent purchaser. In the recent decision of this Court in the case of Godfrey Phillips (I) Ltd. & Ors.[2] (supra) after considering the other decisions on the right of the subsequent purchaser to claim lapse of acquisition proceedings, i.e., Meera Sahni Vs. Lieutenant Governor of Delhi & Ors.[3] and M. Venkatesh & Ors. Vs. Commissioner, Bangalore Development Authority,[4] it is specifically observed and held that subsequent purchaser has no right to claim lapse of acquisition proceedings. Similar view has been expressed by the Larger Bench judgment of this Court in the case of Shiv Kumar & Anr. Vs.

2 (2022) 8 SCC 771

3 (2008) 9 SCC 173

4 (2015) 17 SCC 1

Union of India & Ors.,[5]

14. Under the circumstances and even accepting the case on behalf of the original writ petitioner that she might have acquired some interest on the basis of the Agreement to Sell dated 22.05.2016, being a subsequent purchaser and/or having acquired the interest in the lands in question subsequently, she was not having any right to claim lapse of acquisition proceedings under Section 24(2) of the Act, 2013. Under the circumstances, the High Court erred in entertaining the writ petition preferred by the respondent No. 1 – original writ petitioner claiming lapse of acquisition proceedings under the Act, 2013.

15…….. The acquisition proceedings under the Act, 1894 were the subject matter of litigations and the acquisition proceedings came to be confirmed by this Court. The possession of some parcels of the land could not be taken over because of the pending litigations and even the compensation could not be deposited due to pending litigations. Under the circumstances and as observed and held by this Court in the case of Indore Development

5 (2019) 10 SCC 229.

Authority[6], there cannot be any lapse of acquisition under Section 24(2) of the Act, 2013 on the ground of possession could not be taken over by the authority and/or the compensation could not be deposited/tendered due to the pending litigations. Under these circumstances also, the High Court has erred in allowing the writ petition and declaring that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013. The impugned judgment and order passed by the High Court is unsustainable both on facts as well as on law."

6. In the light of the aforesaid judgment, this Court finds that the land in question, along with other agricultural lands, was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act"), vide notification dated 25.11.1980. Thus, the acquisition proceedings had already been initiated prior to the execution of the registered sale- deed dated 29.04.2011 in favour of the petitioner. It is evident from the documents filed by the respondent-State that the land in question had already been acquired by the State authorities in the year 1982 and that compensation had also been paid to respondent No. 5. The petitioner, having purchased the land in question on 29.04.2011, i.e., after the acquisition proceedings had culminated,

6 (2020) 8 SCC 129

is a subsequent purchaser and therefore, cannot claim any right, title or interest in the acquired land on the basis of the subsequent sale-deed. The execution of the sale -deed after acquisition does not confer upon the petitioner any right, title or interest in the land which had already vested in the State. In view of the aforesaid facts and circumstances and considering the legal position governing the rights of a subsequent purchaser in respect of land already acquired by the State, this Court finds no ground warranting interference in the present writ petition. Accordingly, the writ petition is not a fit case for interference. However, if the petitioner has any grievance against respondent No. 5 in relation to the execution of the sale deed or the consideration paid thereunder, he shall be at liberty to avail himself of appropriate civil and criminal remedies in accordance with law.

7. With this observation and direction, this petition stands disposed of.

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL