CGHC010167042021 2026:CGHC:42966

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2905 of 2021

Ishwar Prasad Rathore S/o Late Dev Narayan Rathore Aged About 63 Years R/o Village - Bhathoura, Tahsil- Katghora, District - Korba, Chhattisgarh.

... Petitioner

versus

1. South Eastern Coalfields Ltd. Through Its Chairman- Cum- Managing Director (Cmd), Secl, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Director (Personnel) South Eastern Coalfields Ltd. Secl, Seepat Road, Bilaspur, chhattisgarh.
3. Chief General Manager South Eastern Coalfields Ltd., Gevra Area, (Gevra Extension Project), Gevra District - Korba, Chhattisgarh.Chhattisgarh
4. Coal India Limited Through Chairman – Cum - Managing Director, Coal Bhawan, Premise No - 04, MAR, Plot No. AF-III, Action Area- 1A, New Town, Rajarhat, Kolkata- 700156, District : Kolkata, West Bengal
5. Union of India Through Secretary, Ministry of Coal, Shastri Bhawan, New Delhi.
6. District Collector – Cum - Officiating Dy. Secretary Government of Chhattisgarh, Collectorate, Korba, District - Korba, Chhattisgarh.
7. Sub- Divisional Officer- Land Acquisition Officer Officiating As A Collector In The Land Acquisition Matter, Katghora, District- Korba, Chhattisgarh.

... Respondents

ABHISHEK SHRIVAS
Digitally signed by ABHISHEK SHRIVAS
Date: 2026.10.08 13:04:57 +0530

For Petitioner	:	Mr. Sanjay Kumar Agrawal, Advocate.
For Respondent 1 to 4	:	Mr. Ravi Ranjan Sinha, Advocate along with Mr. Shubham Singh, Advocate.

For Respondent No. 5	:	Mr. Ankit Bhoi, Advocate on behalf of Mr. Jitendra Nath Nande, Advocate.
For Respondent No. 6 and 7	:	Mr. Anmol Sharma, Panel Lawyer.

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

05.10.2026

1. This petition has been filed by the petitioner with the following prayer:

> "*(i) That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the instant Land Acquisition Cases.*
> *(ii) That, this Hon'ble Court may be pleased to hold that the petitioner is entitled for compensation under the RFCTLARR Act 2013 i.e. four times of market value of land in rural areas.*
> *(iii) That, this Hon'ble Court may be pleased to hold that the petitioner is entitled for interest @15% per annum from the date of determining the compensation.*
> *(iv) That, this Hon'ble Court may be pleased to hold that the Collector is a only authority to determine the compensation in the present acquisition.*
> *(v) That, this Hon'ble Court may be pleased to hold that the Collector is a only authority to determine the rehabilitation and resettlement benefits in the present acquisition.*
> *(vi) That, this Hon'ble Court may be pleased to hold that the Collector is a only authority to determine the eligibility criteria for providing employments to the land loosers.*
> *(vii) That, this Hon'ble Court may kindly be pleased to direct the respondents to produce the*

bank statement of the account wherein compensation amount was deposited by the SECL Management from determination of the compensation dated 24.02.2019 to till date or disclose before this Hon'ble Court which purposes the said compensation amount had been utilized by the SECL Management from 24.02.2019 to till date."

2. Learned counsel appearing for SECL submits that an identical petition has already been dismissed by a Coordinate Bench of this Court in W.P.(C.) No. 1283 of 2021 and that the issue involved in the present petition is also identical.

3. He further submits that the present petition may also be decided in terms of the order passed by the Coordinate Bench of this Court in W.P.(C.) No. 1283 of 2021.

4. Learned counsel for the petitioner does not dispute the aforesaid submission.

5. In view of the aforesaid submission and the fact that the issue involved in the present petition is identical to that decided in W.P.(C.) No. 1283 of 2021, the present petition is also **disposed of** in terms of the order passed by the Coordinate Bench of this Court in W.P.(C.) No. 1283 of 2021. The relevant paragraphs of the said case is quoted below:-

"20. Submission of learned counsel for petitioner that amount of compensation is determined by the officials of the SECL for whom the land is acquired and not by the Collector, and therefore, the entire exercise of determining of the amount of compensation with regard to the superstructure is illegal and

without authority of law is concerned, respondent SECL in its reply has annexed copy of Notification dated 12.5.1999 as Annexure R-21 which prescribes the authorities for determination of compensation under sub-section (1) to (7) of Section 13 of the Act of 1957. In this Notification, the Managing Director, Directors, Chief General Managers, General Managers of different coal fields have been prescribed. Sr. No.7 of the Schedule under the Notification dated 12.5.1999 deals with SECL i.e. respondent, and the authority for determination of compensation is notified as mentioned above. Further, the Government of India, Ministry of Coal vide letter dated 10.7.2019, addressed to the Chairman-cum-Managing Director, Coal India Limited had issued clarification on applicability of the First, Second and Third Schedule of the Act of 2013 in case of land acquisition under the Act of 1957. Relevant portion of which is extracted below:-

> *" (2) It has been decided that in partial suppression of clarification issued in Para D of Ministry of Coal's letter No.43020/25/15-LA&IR dated 30th March, 2018 and in supersession of Ministry of Coal's letter No. No.43020/25/15-LA&IR dated 25.06.2018, it is further clarified that the competent authority for determination of land compensation and R&R benefits shall be as already notified under Section 3 of Coal Bearing Areas (Acquisition and Development) Act, 1957."*

21. For determining the compensation, the authority has already been notified under Section 3 of the Act of 1957, which has been further specified by the Government of India, and therefore, submission of learned counsel for petitioner that the authority determining the amount of compensation is only the Collector as prescribed under the Act of 2013 is also not sustainable and accordingly it is hereby repelled.

22. As far as the decision relied upon by learned counsel for the petitioner are concerned, the same are of no help to the petitioner being not applicable to the facts of present case.

23. For the foregoing discussion and reasons, this Court does not find any merit in both the writ petitions, the same are liable to be and are hereby dismissed. No order as to costs."

6. Accordingly the present matter is **disposed of** with the aforesaid observation.

Sd/-
(Amitendra Kishore Prasad)
Judge

Abhishek