CGHC010263172021 2026:CGHC:44616

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4139 of 2021

1 - Mohan Lal Gabel S/o Shri Ghasi Ram Gabel Aged About 55 Years R/o Village Madanpur, Tahsil Kharsia, District- Raigarh (C.G.), Chhattisgarh

... Petitioner

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.10.15 17:45:38 +0530

Versus

1 - State of Chhattisgarh Through- Secretary, Department Of Revenue, Atal Nagar, Naya Raipur, District- Raipur (C.G.), Chhattisgarh

2 - Collector District- Raigarh (C.G.), Chhattisgarh

3 - Sub Divisional Officer (R)/land Acquisition Officer Kharsia, District- Raigarh (C.G.), Chhattisgarh

4 - Union Of India Through- Deputy Chief Engineer (East Rail Corridor Project Kharsia To Dharamjaigarh) South Eastern Railway Bilaspur (C.G.), Chhattisgarh

5 - Kuteli Bai D/o Lodha, By Caste Kenvat, R/o Village Madanpur, Tahsil Kharsia, District- Raigarh (C.G.), Chhattisgarh

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	**:**	Mr. F.S. Khare, Advocate.
For State	**:**	Mr. Anil Pandey, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

15/10/2026

1. The present petition is preferred against the recovery order/intimation dated 25.08.2021 issued by the respondent No. 3/ Sub Divisional Officer (Revenue)/Land Acquisition Officer Kharsia, district Raigarh regarding recovery and deposit the compensation and its related amount of Rs. 18,98, 018/- (Rupees Eighteen Lakhs Ninety Eight Thousand Eighteen Only) which has granted as per award dated 30.06.2017 to the petitioner in lieu of his acquired land.

2. The petitioners are seeking following reliefs:-

> "10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.
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> 10.2 That, this Hon'ble Court may kindly be pleased to set-aside/quash the Recovery notice/intimation dated 25.08.2021 issued by respondent No. 3 i.e., Sub Divisional Officer (Revenue)/ Land Acquisition Officer Kharsia, District Raigarh which is initiated according to order-sheet dated 28.06.2021 by Collector Raigarh in land acquisition case No. 202102042900062/A-82/2020-21.
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> 10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/relief's in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner."

3. The brief facts of the case, as projected by the petitioner, is that the petitioner claims to be the registered owner and possessor of land bearing Khasra No. 33/1ch, admeasuring 0.453 hectares, which was purchased from Teejram, son of Rongu Darshan, through a registered sale deed dated 27.07.2013 for a consideration of Rs. 4,90,000/-. Upon completion of the Pramanikaran proceedings on 01.10.2013, the petitioner's name was duly recorded in the relevant revenue records. Subsequently, for the Rail Corridor Project, an area admeasuring 0.152 hectares out of the aforesaid land was acquired after following the prescribed procedure, including publication of notice inviting objections or claims from the general public. As no objections were received, the land acquisition proceedings culminated in the passing of an award dated 30.06.2017, pursuant to which the petitioner was paid compensation of Rs. 18,98,018/- for the acquired land. The petitioner contends that the aforesaid amount represents compensation exclusively for his acquired land and that he has not received any compensation payable to respondent No. 5, Kuteli Bai. It is further contended that respondent No. 5 has separately received compensation of Rs. 4,23,887/- in respect of land bearing Khasra Nos. 30/7, admeasuring 0.405 hectares; 32/2, admeasuring 0.283 hectares; and 43/3, admeasuring 0.729 hectares, including an acquired area of 0.045 hectares, pursuant to the same award dated 30.06.2017. The petitioner relies upon

the registered sale deed, revenue records and relevant award documents in support of his claim.

4. Learned counsel for the petitioner submits that the petitioner purchased land bearing Khasra No. 33/1ch, admeasuring 0.453 hectares, from Rongu Darshan through a registered sale deed dated 27.07.2013 for a consideration of Rs. 4,90,000/-, and has been in peaceful possession thereof since the purchase. Pursuant to the Pramanikaran proceedings completed on 01.10.2013, the petitioner's name was duly recorded in the relevant revenue records. It is further submitted that the notice dated 25.08.2021 issued by respondent No. 3 pertains to land bearing Khasra No. 33/4 and not to the petitioner's land bearing Khasra No. 33/1ch. Learned counsel further submits that, after due inspection by the concerned Halka Patwari and completion of the prescribed land acquisition proceedings, an area admeasuring 0.152 hectares out of the petitioner's land was acquired for the Rail Corridor Project, and an award dated 30.06.2017 was passed, pursuant to which compensation of Rs. 18,98,018/- was paid to the petitioner for the acquired land. It is contended that the petitioner has neither claimed nor received any compensation payable to respondent No. 5, Kuteli Bai, and that the relevant sale deed, revenue records and award documents establish his lawful ownership and entitlement to the compensation received. Accordingly, learned counsel submits that the proceedings initiated against the

petitioner on the basis of the complaint are misconceived, without jurisdiction and unsustainable in law.

5. Learned counsel appearing for the State submits that, pursuant to an enquiry conducted by respondent No. 3/Sub Divisional Officer (Revenue)/ Land Acquisition Officer Kharsia, District Raigarh (C.G.), it was found that the then Halka Patwari had manipulated the revenue records, thereby wrongly recording the petitioner as the owner and possessor of the acquired land and enabling him to receive compensation. It is further submitted that, as per the report of the concerned Tehsildar, respondent No. 5, Kuteli Bai, is the actual owner and possessor of the acquired land and is legally entitled to the compensation. Accordingly, upon verification of the relevant records and the enquiry report, the competent authority initiated recovery proceedings for the amount wrongly paid to the petitioner, in order to ensure that the compensation is paid to the rightful claimant and public funds are protected. He, therefore, submits that the impugned order dated 25.08.2021 is legal, justified and within the jurisdiction of the competent authority, and prays for dismissal of the writ petition.

6. I have heard learned counsel for the parties, perused the record with utmost circumspection.

7. From the bare perusal of record, it appears that serious allegations have been raised regarding the petitioner's entitlement to the compensation received in respect of the acquired land. It is pertinent to note that, on 05.08.2022, this Court had granted

interim protection to the petitioner; however, the said interim order was vacated on 07.09.2022. The State authorities have contended that an enquiry revealed manipulation of the revenue records and that respondent No. 5 is the actual owner and possessor of the acquired land and, consequently, entitled to the compensation. On the other hand, the petitioner relies upon the registered sale deed and revenue records in support of his claim. In view of these rival contentions, the dispute involves questions of fact concerning the ownership of the acquired land and the entitlement to compensation, which would require examination of the relevant documents and evidence. This Court is of the considered view that such disputed questions cannot appropriately be adjudicated in the exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

8. Accordingly, this Court finds no ground to interfere with the impugned order, and the writ petition is hereby **dismissed**. However, the petitioner shall be at liberty to avail himself of such other remedy as may be available to him in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

U.K. Raju