



CGHC010063332026

2026:CGHC:45201

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

VISHAKHA
BEOHAR

Digitally
signed by
VISHAKHA
BEOHAR

WPC No. 785 of 2026

Order Reserved on 07/08/2026

Order Delivered on 27/10/2026

- 1 - Bedram Verma S/o Late Shri Bhagwati Prasad Verma Aged About 64 Years R/o Village Raveli, Ward No. 10, Tehsil Suhela, District Baloda Bazar- Bhatapara (C.G.)
- 2 - Prema Bai Verma W/o Late Shri Bhagwati Prasad Verma Aged About 80 Years R/o Village Raveli, Ward No. 10, Tehsil Suhela, District Baloda Bazar- Bhatapara (C.G.)
- 3 - Bineshwari Verma W/o Bedram Verma Aged About 62 Years R/o Village Raveli, Ward No. 10, Tehsil Suhela, District Baloda Bazar- Bhatapara (C.G.)

--- **Petitioners**

versus

- 1 - Union Of India
- 2 - Engineer-In-Chief South Eastern Central Railway Bilaspur Division, District Bilaspur (C.G.)
- 3 - Sub Divisional Officer (R)/ Land Acquisition Officer Simga District Baloda Bazar- Bhatapara (C.G.)
- 4 - Gram Panchayat Through The Sarpanch Village Raveli, Tehsil Suhela, District Baloda- Bazar- Bhatapara (C.G.)

5 - Shree Cement Pvt. Limited Company Through General Manager Village Khaprideeh, District Baloda Bazar- Bhatapara (C.G.)

--- Respondents

WPC No. 1523 of 2026

1 - Motiram Verma S/o Kuleshwar Verma Aged About 55 Years R/o.- Para Dhobnidih, Suhela, Simga, District.- Balodabazar-Bhatapara (C.G.)

2 - Puran Verma S/o Motiram Verma Aged About 47 Years R/o.- Para Dhobnidih, Suhela, Simga, District.- Balodabazar-Bhatapara (C.G.)

3 - Rameshwar Verma S/o Kejram Aged About 48 Years R/o.- Village- Para Dhobnidih, Suhela, Block- Simga, Tehsil Simga, District.- Balodabazar-Bhatapara (C.G.)

4 - Harishchandra Verma S/o Jujraj Aged About 49 Years R/o.- Village- Gudgahan, Suhela, Simga, District- Balodabazar-Bhatapara (C.G.)

5 - Ram Singh Ratre S/o Ramanand Aged About 43 Years R/o.- Village Basin, Suhela, Simga, District- Balodabazar-Bhatapara (C.G.)

6 - Rekhraj Verma S/o Late Chandrika Prasad Verma Aged About 45 Years R/o.- Village Raveli, Ward No. 10, Tehsil Suhela, District Balodabazar-Bhatapara Chhattisgarh

---Petitioners

Versus

1 - Union Of India Through General Manager Village Khaprideeh, District Balodabazar-Bhatapara (C.G.)

2 - Engineer-In Chief South Eastern Central Railway Bilaspur Division District- Bilaspur (C.G.)

3 - Sub Divisinal Officer (R),/ Land Acquisition Officer Simga, District Balodabazar-Bhatapara (C.G.)

- 4** - Patwari Village Raveli, P.H.No. 38, Tehsil Suhela, District Balodabazar- Bhatapara (C.G.)
- 5** - Gram Panchayat Through The Sarpanch Village Raveli, Tehsil Suhela, District Balodabazar-Bhatapara (C.G.)
- 6** - Shree Cement Pvt. Limited Company Through General Manager Village Khaprideeh, District Balodabazar-Bhatapara (C.G.)
- 7** - Gram Panchayat Through The Sarpanch Village Sohela, District Balodabazar-Bhatapara (C.G.)
- 8** - Gram Panchayat Basin Through The Sarpanch Village Basin, P.H. No. 34 R.N.M. Sohela, Tehsil Sohela, District Blaodabazar-Bhatapara (C.G.)

--- Respondents

WPC No. 6592 of 2025

- 1** - Dilip Kumar Nirmalkar S/o Babla Nirmalkar Aged About 34 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 2** - Bedram Sahu S/o Ajab Singh Sahu Aged About 62 Years R/o Makan No. 108 Gautiya Para, Gram-Khilora, P.S. Hathband, Teh-Simga, District- Baloda Bazar-Bhatapara Chhattisgarh 493113
- 3** - Bhan Kumari Koshle W/o Yougendra Koshle Aged About 38 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 4** - Rameshwar Prasad Sahu S/o Baratu Ram Sahu Aged About 56 Years R/o 211, Ward No. 08, Bazar Chowk Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 5** - Dageshwar Sahu S/o Loknath Sahu Aged About 33 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113

- 6** - Loknath Sahu S/o Khamban Sahu Aged About 59 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 7** - Dukalu Ram Sahu S/o Chaitu Ram Sahu Aged About 50 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 8** - Sudharam Sahu S/o Laxman Sahu Aged About 50 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 9** - Takhatram Sahu S/o Mukutram Sahu Aged About 47 Years R/o 134, Daihan Para, Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 10** - Revti Sahu W/o Kirtan Ram Sahu Aged About 37 Years R/o Makan No. 122, Shambhu Dukan Chowk, Gram- Khilora, P.S.- Hathband, Teh- Simga, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 11** - Tukaram Sahu S/o Jirakhan Sahu Aged About 50 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 12** - Ghanaram Kosle S/o Uderam Kosle Aged About 55 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 13** - Manglu Ram Sahu S/o Sukdev Sahu Aged About 46 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 14** - Lekha Bai Sahu W/o Mangalu Sahu Aged About 55 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 15** - Shobharam Sahu S/o Bharat Sahu Aged About 46 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113

- 16** - Mohan Sahu S/o Shyam Lal Sahu Aged About 45 Years R/o Durga Chowk, Ward No. 11, Gram-Khilora, P.S.- Hathband, Tah-Simga, District- Baloda Bazar-Bhatapara Chhattisgarh 493113
- 17** - Maniram Sahu S/o Makhan Sahu Aged About 55 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 18** - Balkaran Jaiswal S/o Jugun Jaiswal Aged About 54 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 19** - Sonchand Tandan S/o Chandram Tandan Aged About 47 Years R/o Gram- Khilora, Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 20** - Nirabai Koshle W/o Dukal Das Koshle Aged About 51 Years R/o Makan No. 51, Jai Stambh Chowk, Gram-Khilora Teh-Simga, P.S.- Hathband, District- Baloda Bazar-Bhatapara Chhattisgarh 493113
- 21** - Yougesh Kumar Markande S/o Aamdas Markande Aged About 37 Years R/o Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh 493113
- 22** - Sukria Navrenge W/o Samaru Navrenge Aged About 75 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh.
- 23** - Lakhan Lal Sahu S/o Dhanva Sahu Aged About 55 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh
- 24** - Hariram Dhritlahre S/o Kejuram Dhritlahre Aged About 53 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh
- 25** - Shrichand Sahu S/o Tekram Sahu Aged About 55 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

26 - Shekhar Rajak S/o Dauva Rajak Aged About 40 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

27 - Khorbahara Tandan S/o Chandram Tandan Aged About 49 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

28 - Fulchand Sahu S/o Ratiram Sahu Aged About 70 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

29 - Ramkhilawan Tandan S/o Sukhiram Tandan Aged About 50 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

30 - Bedram Sahu S/o Ratiram Sahu Aged About 67 Years R/o Village- Khilora, P.S.- Hathband, District - Baloda Bazar-Bhatapara, Chhattisgarh

31 - Chhanak Anant W/o Sitaram Anant Aged About 48 Years R/o Purani Basti Para, Hathband, District- Baloda Bazar-Bhatapara Chhattisgarh.

---Petitioners

Versus

1 - Union Of India Through The Secretary, Ministry Of Railways, Rail Bhawan, New Delhi - 110001.

2 - South East Central Railway (Secr) Through The General Manager, South East Central Railway, Bilaspur Zone, District- Bilaspur, Chhattisgarh 495001.

3 - Senior Divisional Engineer South East Central Railway, Raipur Division, District- Raipur, Chhattisgarh - 492001.

4 - State Of Chhattisgarh Through The Principal Secretary, Department Of Revenue And Disaster Management, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.

5 - Collector Baloda Bazar-Bhatapara District- Baloda Bazar-Bhatapara, Chhattisgarh - 493332

6 - Sub-Divisional Officer (Revenue) Simga Also Functioning As Competent Authority / Land Acquisition Officer For The Special Railway Project, Tehsil- Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh

7 - Tehsildar Simga, Tehsil- Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh

8 - Shree Cement Pvt. Limited Company Through General Manager Village- Khaparideeh, District- Baloda Bazar-Bhatapara, Chhattisgarh

--- Respondents

WPC No. 987 of 2026

1 - Chinta Ram S/o Late Nand Ram Kurmi Aged About 70 Years R/o Village Kesali, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh

2 - Bedu Ram S/o Mukut Ram Aged About 35 Years R/o Village Kesali, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh

3 - Harday Ram S/o Janak Ram Aged About 62 Years R/o Village Kesali, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh

4 - Ganesh Ram S/o Janak Ram Aged About 42 Years R/o Village Kesali, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh

5 - Loknath @ Loman Verma S/o Dhaniram Aged About 66 Years R/o Village Kesali, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh

---Petitioners

Versus

1 - Union Of India Through The Secretary, Ministry Of Railways, Government Of India, Rail Bhavan, New Delhi

2 - South East Central Railway Zonal Office, Bilaspur, Through Its General Manager, Bilaspur Chhattisgarh

3 - Principal Chief Engineer Engineering Department, Secr, Bilaspur Chhattisgarh

4 - Collector District Balodabazar Bhatapara Chhattisgarh

5 - S.D.O. (Revenue) Cum Land Acquisition Officer Simga, District Balodabazar Bhatapara Chhattisgarh

6 - M/s Shree Cement Limited Village Khaparadih, Tehsil Simga, District - Balodabazar-Bhatapara Chhattisgarh Pin 493332

... Respondents

(Cause-title taken from the Case Information System)

For respective :- Mr. Purnendra Khinchariya, Mr. Praveen
Petitioners Dhurandhar, Mr. Aman Ansari, Mr. Vikram
Ussendi on behalf of Mr. Ishan Verma,
Advocates

For State :- Mr. Anand Dadariya, Dy. A.G.

For Respondent-UOI :- Mr. Ramakant Mishra, DSGI along with Mr.
Rishabh Deo Singh, Advocate

For Respondent- :- Mr. Manoj Paranjpe, Senior Advocate
Shree Cement Pvt. Limited along with Mr. Pankaj Singh and
Company Pranjal Agrawal, Advocates

For Respondent- :- Mr. Virendra Verma, Advocate
Gram Panchayat

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

1. Since common issue is involved in all the abovementioned

petitions, they are being decided by this common order.

2. By way of these petitions, the petitioners have challenged the order dated 27.01.2026 (Annexure P-1) passed by respondent No.3, whereby their objections preferred under Section 20-D of the Railways Act, 1989 against the acquisition of their lands for the Gati Multi-Modal Cargo Terminal Project have been rejected in a summary and non-speaking manner. The petitioners contend that despite the specific direction issued by this Court vide order dated 24.09.2025 in W.P.(C) Nos.5079/2025, 5083/2025 and 5069/2025 to consider and decide their objections in accordance with law, respondent No.3 has rejected the objections without conducting any proper enquiry or recording reasons dealing with the grounds raised by the petitioners. It is, therefore, contended that the impugned order suffers from non-application of mind and violation of the requirement of passing a reasoned and speaking order and is, consequently, liable to be set aside.

3. The facts of the case, in WPC No. 785/2026, are that the petitioners are agriculturists having their agricultural lands situated at Village Raveli, District Balodabazar-Bhatapara, Chhattisgarh; petitioner No.1 is owner of land bearing Khasra No.700 admeasuring 0.14 hectare, out of which 0.06 hectare has been proposed for acquisition, petitioner No.2 is owner of land bearing Khasra No.657 admeasuring 0.18 hectare, out of which 0.08

hectare has been proposed for acquisition, and petitioner No.3 is owner of lands bearing Khasra Nos.150/1 admeasuring 0.27 hectare and 160/7 admeasuring 1.05 hectare, out of which 0.11 hectare has been proposed for acquisition; the Ministry of Railways published a notification dated 16.06.2025 in the newspaper dated 28.06.2025 proposing acquisition of land for construction of a railway track for linear connectivity from Hathbandh Railway Station East Cabin to Khaparadih Village in connection with the Gati Shakti Multi-Modal Cargo Terminal, pursuant to which the petitioners submitted separate objections under Section 20-D of the Railways Act, 1989, contending, inter alia, that the proposed acquisition was not genuinely for a public purpose but was intended to facilitate railway connectivity to respondent No.5—Shree Cement Company, a private entity, and also pointing out the availability of existing railway infrastructure and alternative land; as the objections were not considered and the acquisition proceedings were proceeded with, the petitioners approached this Court by filing W.P.(C) Nos.5079/2025, 5083/2025 and 5069/2025, which were disposed of vide order dated 24.09.2025 directing respondent No.3 to consider and decide their objections in accordance with law and the applicable rules within 30 days; the said order was thereafter brought to the notice of respondent No.3 by representation dated 10.10.2025, and

respondent Nos.1 and 2 submitted their reply to the objections on 16.12.2025; however, respondent No.3, while exercising powers under Section 20-D of the Railways Act, rejected the objections vide impugned order dated 27.01.2026 (Annexure P-1), which according to the petitioners was passed in a summary and mechanical manner without conducting any proper enquiry or dealing with their specific objections, particularly the contention that land had earlier been acquired for construction of a railway line for UltraTech Cement and sufficient vacant land was available alongside the existing track, that respondent No.5 had already privately purchased land and constructed a railway track up to Village Raveli which could be connected with the existing railway line, and that the proposed track would pass through the middle of the petitioners' irrigated agricultural fields adversely affecting their agricultural activities; hence, the petitioners have challenged the impugned order on the ground that the competent authority failed to examine whether the proposed acquisition was genuinely for a public purpose as contemplated under Sections 20-A and 20-D of the Railways Act, 1989 or was primarily intended to benefit respondent No.5, and that the impugned order suffers from non-application of mind, absence of proper enquiry and violation of the statutory requirement under Section 20-D of the Act.

4. Following reliefs have been sought in WPC No. 785/2026:-

“10.1 That, this Hon'ble Court may kindly be pleased to set-aside quash the order dated 27-01-2026 (Annexure P-1) passed by the respondent No.3 in Revenue Case No.202509211000011/A/82/2024- 25.

10.2 That, this Hon'ble Court may kindly be pleased to quash and set-aside the entire acquisition proceeding arising out of the notification dated 16- 06-2025 (Annexure P-2).

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent No.3 to take fresh decision in accordance with and in requirement of Section 20D of Railways Act over the objections dated 10-07- 2025 (Annexure P-3).

10.4 That, this Hon'ble Court may kindly be pleased to detailed inquiry be conducted to ascertain whether the beneficiary of the rail corridor is a private company as contemplated under section 20d of the Railway Act.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the present case including cost of the petition.”

5. Facts of the case in WPC No. 1523/2026 are that the petitioners are agriculturists and the lands owned by them situated at Village Dhabhindih, Village Budgahan, Village Basin and Village Raveli, District Balodabazar-Bhatapara, are recorded in their respective names and are being used for agricultural purposes; the Ministry of Railways published a notification dated 16.06.2025 in the newspaper dated 28.06.2025 proposing acquisition of land for construction of a railway track for linear connectivity from

Hathbandh Railway Station East Cabin to Khaparadih Village in connection with the Gati Shakti Multi-Modal Cargo Terminal, pursuant to which the petitioners submitted separate objections under Section 20-D of the Railways Act, 1989, contending that the proposed acquisition was not for a genuine public purpose but was intended to facilitate respondent No.5—Shree Cement Company, a private entity, and also raised various legal objections and pointed out the availability of alternative land and existing railway infrastructure; as the objections were not considered and the acquisition proceedings were proceeded with, petitioner No.6 earlier approached this Court by filing W.P.(C) No.5082/2025, which was disposed of vide order dated 24.09.2025 directing respondent No.3 to decide the objections in accordance with law and the applicable rules within 30 days; the said order was brought to the notice of respondent No.3 by representation dated 10.10.2025, and thereafter respondent Nos.1 and 2 submitted their reply to the objections on 16.12.2025; however, respondent No.3, while exercising quasi-judicial powers under Section 20-D of the Railways Act, rejected the objections vide impugned order dated 27.01.2026 (Annexure P-1), which according to the petitioners was passed summarily, without proper enquiry, consideration of the specific objections or application of mind; the petitioners had specifically contended that the proposed acquisition was intended

to provide railway connectivity to respondent No.5, which had already privately purchased land and constructed a railway track from Khapridih up to Village Raveli, and that the existing railway track constructed for UltraTech Cement from Village Rawan to Dhoha (Hathbandh), for which land had earlier been acquired by the Central Government on 12.06.1998, could be utilized for transportation of goods, particularly when sufficient vacant land was available alongside the existing track; it was further contended that the proposed railway line would pass through the middle of the petitioners' irrigated agricultural fields, adversely affecting their agricultural activities and productivity, and that the acquisition was therefore primarily for the benefit of a private entity rather than for a public purpose as contemplated under Sections 20-A and 20-D of the Railways Act; the petitioners also relied upon the order dated 23.02.2026 passed by this Court in W.P.(C) No.785/2026, whereby further proceedings pursuant to the impugned notification dated 16.06.2025 were stayed till the next date of hearing, contending that their lands are similarly situated and are also sought to be acquired pursuant to the same notification; hence, the petitioners have challenged the impugned order dated 27.01.2026 and the acquisition proceedings on the ground that the competent authority failed to properly consider their objections and determine whether the proposed acquisition was genuinely for a public

purpose or intended to serve the private interest of respondent No.5.

6. Following reliefs have been sought in WPC No. 1523/2026:-

“10.1 That, this Hon'ble Court may kindly be pleaded to set-aside quash the order dated 27-01-2026 (Annexure P-1) passed by the respondent No.3 in Revenue Case No. 20250921.1000013/A/82/2024, Revenue Case No. 202509211000014/A/82/2024- 25 and Revenue Case No. 202509211000011/A/82/2024-25.

10.2 That, this Hon'ble Court may kindly be pleased to quash and set-aside the entire acquisition proceeding arising out of the notification dated 16- 06-2025 (Annexure P-2).

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent No.3 to take fresh decision in accordance with and in requirement of Section 20D of Railways Act over the objections dated 10-07- 2025 (Annexure P-3).

10.4 That, this Hon'ble Court may kindly be pleased to detailed inquiry be conducted to ascertain whether the beneficiary of the rail corridor is a private company as contemplated under section 20d of the Railway Act.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the present case including cost of the petition.”

7. Facts of the case in WPC No. 6592/2025 are that the petitioners are permanent residents of Village Khillora and

adjoining villages in Tehsil Simga, District Baloda Bazar-Bhatapara, primarily engaged in agriculture and dependent upon their ancestral agricultural lands and common village resources for their livelihood; the Ministry of Railways, vide notification dated 26.03.2025, declared the proposed linear railway connectivity from Hathbandh Railway Station (East Cabin) to Khaparadih Village leading to the Gati Shakti Multi-Modal Cargo Terminal as a Special Railway Project under Section 2(37A) of the Railways Act, 1989, and thereafter, vide notification dated 22.04.2025, appointed the Sub-Divisional Officer (Revenue), Simga, as the Competent Authority for the project; the Collector, Baloda Bazar-Bhatapara, also appointed the SDO (Revenue), Simga, as the Land Acquisition Officer and, vide order dated 15.04.2025, imposed restrictions on sale, purchase, mutation, diversion and construction activities in 13 villages covered by the proposed alignment; thereafter, the acquisition proceedings were initiated under Section 20-A of the Railways Act, 1989, vide Gazette Notification dated 19.06.2025, covering approximately 93.0832 hectares of land situated in the said 13 villages; aggrieved by the proposed acquisition, the Gram Panchayat Khillora and affected villagers submitted successive objections and representations before the competent authority, including the resolution dated 02.07.2025 and letters dated 09.07.2025 and 11.07.2025, raising objections

regarding the adverse impact of the proposed railway line upon fertile agricultural land, village pond, school, playground and other common utility properties, and contending that the proposed acquisition would primarily benefit Shree Cement and was unnecessary in view of the existing approved railway corridor alongside the UltraTech Cement railway line; objections were also raised regarding the alleged absence of mandatory SIA/EIA compliance and the impact of the project upon agricultural livelihood and common lands, while a further objection dated 25.07.2025 was submitted in respect of disputed lands bearing Khasra Nos.135/2 and 895/1, which were subject matter of Civil Suit No.12/2019, seeking withholding of compensation; thereafter, notices dated 25.08.2025 were issued to the Gram Panchayat and affected landholders calling them for hearing on 08.09.2025, and subsequently, twenty-eight villagers submitted a joint affidavit dated 19.09.2025 supporting the project subject to alteration of the alignment alongside the existing UltraTech Cement railway line and acquisition of complete parcels so as to avoid fragmentation of agricultural holdings; further objections were also submitted referring to pending litigation before the Hon'ble Supreme Court and reiterating the objections regarding the adverse agricultural impact and alleged non-compliance with SIA/EIA requirements; the petitioners have accordingly approached this Court challenging the

acquisition proceedings and asserting that the proposed project, as presently planned, would cause serious prejudice to their agricultural livelihood and village common resources and that the objections raised by the affected villagers require due consideration in accordance with law.

8. Following reliefs have been sought in WPC No. 6592/2025:-

“a. Issue a writ or any other appropriate order/ direction quashing the impugned Section 20A notification (Annexure P/1) issued under the Railways Act, 1989 and all consequential actions/orders passed thereafter in respect of the proposed "Special Railway Project from Hathbandh Railway Station (East Cabin) to Khaparadih village, as being arbitrary and illegal.

b. Issue a writ of Mandamus directing Competent Authority (SDO Revenue, Simga) to consider and decide afresh all objections already submitted by the Petitioners, in strict PSUPTA compliance of the Railways Act, 1989, by passing a reasoned and speaking order after granting personal hearing to each objector, within a time frame to be fixed by this Hon'ble Court.

c. Issue a further writ of Mandamus directing the Respondents to permit the Petitioners and all other affected persons to file fresh objections to the proposed acquisition.

d. Issue appropriate orders staying all further land acquisition proceedings, including demarcation, survey, mutation restriction, issuance of notices, passing of awards, and taking of possession, until the objections of the

Petitioners are freshly invited, heard and decided in accordance with the Railways Act and principles of natural justice.

e. Issue such further or other writ, order, or direction as this Hon'ble Court may deem just, fit, and proper in the facts and circumstances of the present case, to secure the ends of justice.”

9. Facts of the case in WPC No. 987/2026 are that the petitioners are poor agriculturists and residents of Village Kesali, District Balodabazar-Bhatapara, and their agricultural lands are their sole source of livelihood; UltraTech Cement Limited has cement plants at Village Rawan and Village Hirmi and had earlier challenged the In-Principle Approval dated 08.04.2021 granted for establishment of a Greenfield Private Freight Terminal by filing W.P.(C) No.2989/2021, which was allowed by this Court vide order dated 09.05.2024, whereby the said approval was quashed, with liberty to the authorities to consider afresh the application for establishment of Greenfield PFT after affording due opportunity of hearing to UltraTech Cement, and the writ appeals preferred against the said order were subsequently dismissed; according to the petitioners, during the pendency of the writ appeals, respondent No.6 approached the Railway authorities for a separate proposal for construction of Greenfield PFT and, thereafter, Notification No.S.O.2732(E) under Section 20-A of the Railways Act, 1989 was issued on 16.06.2025 and published in the

Gazette on 19.06.2025 proposing acquisition of land, including the agricultural lands situated at Village Kesali belonging to the petitioners; subsequently, respondent No.4 nominated respondent No.5 as the Land Acquisition Officer vide order dated 04.04.2025 and the Collector imposed restrictions on sale and purchase of lands falling within the proposed railway alignment vide order dated 15.04.2025, while the Senior Divisional Engineer, Raipur, forwarded the description and map of the proposed project to respondent No.5; the petitioners submitted objections before the competent authority on 30.06.2025 and thereafter sought copies of the entire acquisition proceedings, including the project map, but the complete documents were not supplied to them; the petitioners also sought authenticated copies of the project under the Right to Information Act; however, despite the earlier judgment in W.P.(C) No.2989/2021 requiring due opportunity of hearing before consideration of the Greenfield PFT proposal, the petitioners contend that the present acquisition proceedings have been initiated in the guise of a public purpose to extend benefit to respondent No.6, thereby adversely affecting the petitioners' agricultural lands and livelihood; their objections were allegedly rejected by the SDO (Revenue)/Land Acquisition Officer vide order dated 27.01.2026 without conducting any proper enquiry, affording effective opportunity of hearing or carrying out site inspection;

thereafter, Notification under Section 20-E of the Railways Act, 1989 was published on 19.02.2026 stating that the objections of the villagers had been decided and rejected and that the lands specified in the schedule would vest in the Central Government; aggrieved by the aforesaid acquisition proceedings and the rejection of their objections, the petitioners have approached this Court challenging the impugned action on the ground that the acquisition has been undertaken for the benefit of a private entity under the guise of a public purpose and without compliance with the statutory requirements and principles of natural justice.

10. Following reliefs have been sought in WPC No. 987/2026:-

“10.1) That the Hon'ble Court be pleased to call for the records from the respondents.

10.2) That after the perusal of records, quash the notification (annexure P-3) and notification dated 19.02.2026 (P-12) and also the proceedings before the respondent no.5.

10.3) That the court may grant any other relief it deems necessary.”

11. Mr. Purnendra Khinchariya, Mr. Praveen Dhurandhar, Mr. Aman Ansari and Mr. Vikram Ussendi, on behalf of Mr. Ishan Verma, learned counsel appearing for the respective petitioners, in substance, submit that the impugned acquisition proceedings initiated under Sections 20-A to 20-F of the Railways Act, 1989, as

well as the order dated 27.01.2026 rejecting the objections raised by the petitioners under Section 20-D of the Act, are illegal, arbitrary and contrary to the statutory scheme. It is submitted that the petitioners are agriculturists and their agricultural lands situated at Village Raveli, District Balodabazar-Bhatapara constitute their principal source of livelihood and, therefore, the proposed acquisition directly affects their valuable proprietary rights protected under Article 300-A of the Constitution of India. Learned counsel submit that, pursuant to the earlier proceedings initiated under Section 20-A of the Act, the petitioners had submitted detailed objections under Section 20-D on 10.07.2025, specifically disputing the necessity and purpose of the proposed acquisition and contending that the acquisition, though projected as being for a public purpose, is in substance intended to facilitate and confer benefit upon respondent—Shree Cement Private Limited, a private commercial entity. It is submitted that the said objections were earlier not decided and the Railway authorities proceeded further, compelling the petitioners to approach this Court in W.P. Nos. 5079/2025, 5083/2025 and 5069/2025, which were disposed of by order dated 24.09.2025 directing respondent No.3 to consider and decide the objections in accordance with law, rules and regulations within the stipulated period. However, despite the said direction, respondent No.3, by the impugned order

dated 27.01.2026, rejected the objections in a cryptic and mechanical manner, virtually by recording a conclusion in only a few lines, without conducting any proper enquiry, spot inspection or meaningful hearing and without dealing with the specific grounds raised by the petitioners.

12. Learned counsel further submit that Section 20-D of the Railways Act confers a substantive and valuable right upon the landowners to object to the proposed acquisition before they are deprived of their property and, therefore, the statutory requirement of consideration of such objections cannot be treated as an empty formality. The competent authority, while exercising powers under Section 20-D, performs a quasi-judicial function and is required to objectively consider the objections, conduct such enquiry as may be necessary, afford an effective opportunity of hearing and pass a reasoned and speaking order. It is argued that even an administrative authority is required to record reasons where its decision adversely affects valuable rights, and the impugned order, being completely bereft of reasons and showing no application of mind to the objections, is liable to be set aside.

13. Learned counsel place reliance upon the judgment of the Hon'ble Supreme Court in **Nareshbhai Bhagubhai and Others v. Union of India and Others**, reported in **(2019) 15 SCC 1**, in support of the proposition that compliance with the statutory

safeguards relating to consideration of objections is mandatory and cannot be dispensed with. Reliance has also been placed upon the judgment in the matter of **H.D.F.C. Bank Limited vs. Kishore K. Mehta (Dead) thr. Lrs. 2026 SCC OnLine SC 1320, State of West Bengal and Others vs. Committee for Protection of Democratic Rights, West Bengal and Others (2010) 3 SCC 571.**

14. Mr. Anand Dadariya, learned State counsel, opposing the petition, submits that the writ petition is devoid of merit and is liable to be dismissed. It is submitted that the notification dated 16.06.2025 was issued under Section 20-A of the Railways Act, 1989 for acquisition of land required for the Special Railway Project, namely, the proposed Linear Connectivity from Hathbandh Railway Station East Cabin to Village Khaparadiha, including the Gati Shakti Multi Modal Cargo Terminal in District Balodabazar-Bhatapara, which is a project undertaken in public interest and not for any private purpose. The petitioners, being interested persons, had submitted their objections under Section 20-D of the Act on 10.07.2025, and pursuant to the order dated 24.09.2025 passed by this Court in W.P.C. Nos. 5079/2025, 5083/2025 and 5069/2025, the competent authority issued notice to the petitioners and afforded them an opportunity of personal hearing. Thereafter, upon consideration of the objections, the reply and technical

material/report furnished by the Railway authorities, the competent authority passed the order dated 27.01.2026 rejecting the objections. It is therefore submitted that there has been due compliance with the statutory procedure and the principles of natural justice, and merely because the objections were ultimately rejected cannot constitute a ground for interference under Article 226 of the Constitution. Learned State counsel further submits that the petitioners have failed to challenge the subsequent declaration issued under Section 20-E of the Railways Act, despite being aware of the progress of the acquisition proceedings, and therefore cannot seek to indirectly invalidate the subsequent stage of acquisition by selectively challenging the earlier notification and the order passed on their objections. It is contended that Section 20-E declaration constitutes a material stage of the statutory acquisition process and, in view of Section 20-E(4), the declaration cannot be called in question in any Court or by any other authority once made. Learned counsel further submits that the ownership of the acquired land as well as the railway line would vest with the Railways and, therefore, the contention that the acquisition is intended to confer a private benefit upon respondent No.5 is misconceived. It is argued that the petitioners cannot claim an absolute or indefeasible right to prevent acquisition merely because their private lands are being acquired for a project of

public importance. The scope of judicial review in matters of acquisition is limited and, unless the petitioners establish illegality, arbitrariness, mala fides, lack of jurisdiction or violation of mandatory statutory procedure, this Court would not substitute its own opinion for that of the competent authority regarding the necessity or suitability of the land. Learned State counsel submits that no such jurisdictional error, procedural irregularity or violation of natural justice has been demonstrated in the present case; rather, the competent authority acted pursuant to the directions of this Court, afforded personal hearing, considered the material placed before it and thereafter passed the impugned order. Accordingly, it is submitted that the impugned order dated 27.01.2026 is the culmination of a duly followed statutory process and the writ petition, having failed to disclose any ground warranting interference under Article 226 of the Constitution, is liable to be dismissed.

15. Mr. Manoj Paranjpe, Senior Advocate along with Mr. Pankaj Singh & Mr. Pranjal Agrawal, learned counsel appearing for respondent – Shree Cement Limited, opposing the writ petitions, submits that the challenge to the acquisition proceedings is wholly misconceived and liable to be rejected. It is submitted that the acquisition has been undertaken under Chapter IV-A of the Railways Act, 1989 for a duly sanctioned Special Railway Project,

namely, the proposed linear connectivity from Hathbandh Railway Station East Cabin to Village Khaparadiha for the Gati Shakti Multi-Modal Cargo Terminal, which is a project of public importance forming part of the national railway infrastructure. It is further submitted that the notification under Section 20-A was duly published and objections under Section 20-D were invited from all interested persons; 57 objections were received and were duly considered and rejected by the Competent Authority after affording opportunity of hearing. Thereafter, the declaration under Section 20-E was published on 19.02.2026 and, by virtue of Section 20-E(2), the acquired lands stood vested absolutely in the Central Government free from all encumbrances. Learned counsel submits that the present acquisition extends over ten villages and involves approximately 800 landholders, and therefore the integrated railway project cannot be stalled at the instance of a few landowners. Reliance is placed upon *Surendra Mohan Bist v. State of Chhattisgarh*, W.P.(C) No.562 of 2013, decided on 25.10.2024, to contend that acquisition forming part of a larger railway project cannot be quashed at the instance of individual landholders. It is further submitted that the allegation that the acquisition is for the private benefit of respondent No.5 is misconceived, as under the Gati Shakti Multi-Modal Cargo Terminal Policy, the land for connectivity is acquired by the Railway

Administration at the cost of the terminal operator, but ownership and control of the land and infrastructure remain with the Railways, and the operator has no proprietary right therein. Reliance is placed on **Sooraram Pratap Reddy v. District Collector, Ranga Reddy District, (2008) 9 SCC 552**, to submit that public purpose must be construed broadly and incidental benefit to a private entity does not alter the character of a public infrastructure project. It is also submitted that the declaration under Section 20-E(1) is protected by the statutory bar under Section 20-E(4) and cannot be questioned before any Court. Even assuming procedural irregularity, it is contended that the same would not justify quashing of the acquisition in view of the larger public interest, and the remedy, if any, lies in compensation under Sections 20-F and 20-G, as held in **Nareshbhai Bhagubhai v. Union of India, (2019) 15 SCC 1**, and **Ramniklal N. Bhutta v. State of Maharashtra, (1997) 1 SCC 134**.

16. It is further submitted that judicial review in such matters is limited and the Court cannot substitute its view on alignment or technical feasibility of a railway project in the absence of mala fides or colourable exercise of power. Article 300-A is not violated as the acquisition is strictly in accordance with law. Accordingly, it is prayed that the writ petitions be dismissed and the interim order dated 23.02.2026 be vacated. It is further submitted, by way of

additional note, that in *Smt. Ayyamma v. Government of India & Others*, W.P. Nos. 203560 and 200328 of 2025, decided on 17.07.2026, the Hon'ble Karnataka High Court, Kalaburagi Bench, upheld an identical acquisition under Chapter IV-A of the Railways Act, 1989, undertaken for a Special Railway Project under the Gati Shakti Multi-Modal Cargo Terminal Policy, wherein Shree Cement Limited was also a respondent. The Court held that the project constituted a valid public-purpose infrastructure initiative and that the acquisition was lawful. It further held that incidental benefit to a private entity does not detract from the public character of the project, and dismissed the challenge raised by individual landholders. It is submitted that the reasoning of the said judgment applies squarely to the present case, as the statutory scheme, policy framework, project structure, and legal issues are identical. The said judgment reinforces the submissions already advanced in the principal note and supports the validity of the acquisition proceedings in question. In view of the above, it is prayed that the writ petitions be dismissed.

17. Mr. Ramakant Mishra, DSG along with Mr. Rishabh Deo Singh, learned counsel appearing for the respondent–Union of India submits that the present writ petition is misconceived and not maintainable, as the acquisition proceedings have been undertaken strictly in accordance with the Railways Act, 1989,

which provides a complete statutory framework for acquisition of land for railway purposes. It is submitted that the subject land is being acquired for a duly notified Special Railway Project, namely, the railway connectivity for development of a Gati Shakti Multi-Modal Cargo Terminal (GCT) under the South East Central Railway, connecting Hathbandh Railway Station to Village Khapradih, Raipur Division. The project has been duly approved by the competent authority and is governed by the Railway Board's policy dated 06.12.2022. Learned counsel submits that the notification under Section 20A of the Railways Act was issued on 19.06.2025 and the declaration under Section 20E was thereafter issued and published on 19.02.2026, in accordance with law. The petitioners had an opportunity to raise their objections under the statutory scheme, and no jurisdictional error, procedural illegality or violation of principles of natural justice has been demonstrated so as to warrant interference under Article 226 of the Constitution. It is further submitted that the allegation that the acquisition is undertaken for the benefit of a private company is misconceived. Under Clause 17.2.2 of the Gati Shakti Multi-Modal Cargo Terminal Policy, ownership of the acquired land shall vest absolutely in the Indian Railways, and M/s Shree Cement Limited shall have no right, title or interest in the acquired land. Its role is confined to the operational aspects permitted under the GCT framework, and no

independent or unrelated commercial activity can be undertaken on the acquired land.

18. Learned counsel further submits that the alignment has been finalized on technical considerations and in accordance with the prescribed railway norms. The alternative alignment involving the existing railway line serving UltraTech Cement Limited would require the proposed track to pass through the reservoir/waterlogged area, necessitating construction of a long-span bridge and creating technical complications. The acquisition, therefore, cannot be alleged to be arbitrary or mala fide merely on the basis of the petitioners' preference for an alternative alignment. It is also submitted that the survey and acquisition have been undertaken in accordance with the applicable technical standards and that compensation, as determined by the competent authority in accordance with law, shall be paid to the affected landholders. On these grounds, learned counsel submits that the acquisition is for a lawful public-purpose railway project, has been undertaken in accordance with the statutory procedure, and does not infringe any legal or fundamental right of the petitioners. The writ petition, therefore, deserves to be dismissed.

19. Mr. Virendra Verma, learned counsel appearing for the respondent–Gram Panchayat submits that the Gram Panchayat has no objection to the proposed railway project in public interest,

provided that the rights and interests of the villagers and the village common resources are duly protected. It is submitted that the Panchayat had raised objections regarding the impact of the proposed alignment on agricultural lands, village pond, school, playground and other common utility properties. The Gram Panchayat had also suggested that the alignment may preferably be altered alongside the existing railway corridor so as to minimize acquisition and avoid fragmentation of agricultural holdings. It is further submitted that the objections of the Gram Panchayat were made in the interest of the village community and not with an intention to obstruct the railway project. The Panchayat has no objection to acquisition in accordance with law, subject to proper consideration of its objections, protection of village common properties and payment of lawful compensation to the affected landholders. Accordingly, the matter may be decided in accordance with law.

20. I have heard learned counsel for the parties and perused the material available on record.

21. The question which arises for consideration in these batch of writ petitions is whether the order dated 27.01.2026 passed by the Sub-Divisional Officer (Revenue), Simga-cum-Land Acquisition Officer, whereby the objections submitted by the petitioners/landowners under Section 20-D of the Railways Act,

1989 have been rejected, calls for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India and, consequently, whether the acquisition proceedings initiated pursuant to the notification dated 16.06.2025 are liable to be quashed or the competent authority is required to be directed to reconsider the objections of the petitioners afresh.

22. At the outset, it is required to be noticed that the acquisition in question is not an isolated acquisition of land for the benefit of a private individual or private commercial establishment. The material placed on record discloses that the acquisition forms part of a Special Railway Project for providing linear railway connectivity from Hathbandh Railway Station (East Cabin) to Khaparadih Village in connection with the Gati Shakti Multi-Modal Cargo Terminal. The project has been undertaken by the Railway authorities pursuant to the policy decision of the Union Government and the land is being acquired under the statutory scheme contained in Chapter IV-A of the Railways Act, 1989.

23. It is true that respondent No.5-Shree Cement Limited is the proposed terminal operator and that the proposed railway connectivity would facilitate transportation of cement and other goods from the terminal. However, the mere fact that a private commercial entity would also derive an incidental or consequential benefit from the railway infrastructure cannot, by itself, lead to the

conclusion that the acquisition ceases to be for a public purpose. The relevant consideration is the nature and character of the project for which the land is acquired and the manner in which the acquired land and railway infrastructure are to be owned, controlled and utilised.

24. In the present case, the specific stand of the Union of India and the Railway authorities is that the land acquired under the project would vest absolutely in the Central Government/Railways and respondent No.5 would not acquire any independent right, title or proprietary interest in the acquired land. Its role is confined to the operation of the Multi-Modal Cargo Terminal in accordance with the applicable Gati Shakti Multi-Modal Cargo Terminal Policy. The petitioners have not been able to demonstrate from the material available on record that the acquired land would vest in respondent No.5 or that the Railway authorities have undertaken the acquisition merely as an instrument to transfer the acquired property to a private company.

25. The contention of the petitioners that the acquisition is not for a public purpose, therefore, cannot be accepted merely because the proposed railway line would facilitate transportation of the products manufactured by respondent No.5. A railway connectivity project intended to facilitate movement of goods through railway infrastructure, undertaken pursuant to a duly approved

governmental policy, cannot be characterised as a private project merely because a particular industry is one of its beneficiaries. Public purpose has to be understood in a broad and realistic manner, particularly when the project forms part of the railway infrastructure and is intended to promote transportation through the national railway network.

26. In this regard, the principle laid down by the Hon'ble Supreme Court in ***Sooraram Pratap Reddy v. District Collector, Ranga Reddy District***, reported in ***(2008) 9 SCC 552***, assumes significance. The Hon'ble Supreme Court has recognised that a project may have an element of private benefit without losing its essential character of public purpose, provided the dominant purpose and the nature of the project are genuinely public. The question, therefore, is not whether respondent No.5 would obtain any benefit, but whether the acquisition is fundamentally undertaken for a public infrastructure project. On the material placed before this Court, the answer is in the affirmative.

27. The Hon'ble Supreme Court in the matter of ***Shree Bhagwati Steel Rolling Mills vs. Commissioner of Central Excise And Another*** ***(2016) 3 SCC 643*** has held as under:-

“**29.** It would be seen that Shri Aggarwal is on firm ground because this Court has specifically stated that rules or regulations which are in the

nature of subordinate legislation which are ultra vires are bound to be ignored by the courts when the question of their enforcement arises and the mere fact that there is no specific relief sought for to strike down or declare them ultra vires would not stand in the court's way of not enforcing them. We also feel that since this is a question of the very jurisdiction to levy interest and is otherwise covered by a Constitution Bench decision of this Court, it would be a travesty of justice if we would not allow Shri Aggarwal to make this submission.

30. On merits, the matter is no longer res integra. A Constitution Bench decision of this Court in *V.V.S. Sugars v. State of A.P.* [*V.V.S. Sugars v. State of A.P.*, (1999) 4 SCC 192] has held, following two earlier judgments of this Court, as follows : (SCC p. 195, para 6)

“6. This Court in *India Carbon Ltd. v. State of Assam* [*India Carbon Ltd. v. State of Assam*, (1997) 6 SCC 479] has held, after analysing the Constitution Bench judgment in *J.K. Synthetics Ltd. v. CTO* [*J.K. Synthetics Ltd. v. CTO*, (1994) 4 SCC 276] that interest can be levied and charged on delayed payment of tax only if the statute that levies and charges the tax makes a substantive provision in this behalf. There being no substantive provision in the Act for the levy of interest on arrears of tax that applied to purchases

of sugarcane made subsequent to the date of commencement of the amending Act, no interest thereon could be so levied, based on the application of the said Rule 45 or otherwise.”

31. Applying the Constitution Bench decision [*V.V.S. Sugars v. State of A.P.*, (1999) 4 SCC 192] stated above, it will have to be declared that since Section 3-A, which provides for a separate scheme for availing facilities under a compound levy scheme, does not itself provide for the levying of interest, Rules 96-ZO, 96-ZP and 96-ZQ cannot do so and therefore on this ground the appellant in *Shree Bhagwati Steel Rolling Mills* has to succeed. On this ground alone therefore the impugned judgment [*Shree Bhagwati Steel Rolling Mills v. CCE*, 2006 SCC OnLine P&H 1434 : (2007) 2 RCR (Civil) 241] is set aside. That none of the other provisions of the Central Excise Act can come to the aid of the Revenue in cases like these has been laid down by this Court in *Hans Steel Rolling Mill v. CCE* [*Hans Steel Rolling Mill v. CCE*, (2011) 3 SCC 748] as follows : (SCC p. 751, para 13)

“13. On going through the records it is clearly established that the appellants are availing the facilities under the compound levy scheme, which they themselves opted for and filed declarations furnishing details about the annual capacity of

production and duty payable on such capacity of production. It has to be taken into consideration that the compounded levy scheme for collection of duty based on annual capacity of production under Section 3 of the Act and the 1997 Rules is a separate scheme from the normal scheme for collection of Central excise duty on goods manufactured in the country. Under the same, Rule 96-ZP of the Central Excise Rules stipulates the method of payment and Rule 96-ZP contains detailed provision regarding time and manner of payment and it also contains provisions relating to payment of interest and penalty in the event of delay in payment or non-payment of dues. Thus, this is a comprehensive scheme in itself and general provisions in the Act and the Rules are excluded.”

28. Also, in the matter of ***V.V.S. Sugars vs. Govt. of A.P. and Others (1999) 4 SCC 192***, it has been held as under:-

“6. This Court in India Carbon Ltd. v. State of Assam [(1997) 6 SCC 479] has held, after analysing the Constitution Bench judgment in J.K. Synthetics Ltd. v. CTO [(1994) 4 SCC 276] that interest can be levied and charged on delayed payment of tax only if the statute that levies and charges the tax makes a substantive provision in this behalf. There being no substantive

provision in the Act for the levy of interest on arrears of tax that applied to purchases of sugarcane made subsequent to the date of commencement of the amending Act, no interest thereon could be so levied, based on the application of the said Rule 45 or otherwise.”

29. The principal grievance of the petitioners, however, is that their objections under Section 20-D of the Railways Act were not properly considered and that the order dated 27.01.2026 is cryptic and non-speaking. It is necessary, therefore, to examine the statutory procedure followed by the competent authority.

30. The record demonstrates that pursuant to the notification issued under Section 20-A of the Railways Act, the petitioners had submitted objections disputing the proposed acquisition, the alignment, the necessity of acquisition and the alleged benefit to respondent No.5. On an earlier occasion, this Court, while considering the grievance of the petitioners in W.P.(C) Nos.5079/2025, 5083/2025, 5069/2025 and connected matters, directed the competent authority to consider and decide the objections in accordance with law. The said direction was brought to the notice of the competent authority. Thereafter, notices were issued, the petitioners were afforded an opportunity of hearing and the Railway authorities submitted their response to the objections.

31. Thus, the earlier defect complained of by the petitioners,

namely, that their objections were not being considered before proceeding further with the acquisition, stood specifically noticed by this Court and the competent authority was directed to undertake the exercise contemplated under Section 20-D of the Act. The material on record thereafter indicates that the competent authority did undertake such exercise and passed the order dated 27.01.2026 rejecting the objections.

32. Section 20-D of the Railways Act undoubtedly confers a statutory right upon the interested persons to object to the acquisition. Such right cannot be reduced to an empty formality. The competent authority is required to consider the objections objectively and to take a decision in accordance with law. At the same time, the existence of such a right does not mean that every objection raised by a landowner must necessarily be accepted or that the competent authority is required to agree with the landowner's assessment regarding the necessity, alignment or technical feasibility of the project.

33. The scope of consideration under Section 20-D is to ensure that the objections are heard and considered by the competent authority before the acquisition proceeds to the next statutory stage. The provision does not confer upon the landowners a veto over a duly sanctioned railway project. Once the objections have been considered, an adverse decision by itself would not

constitute a violation of Section 20-D.

34. In the present case, the petitioners were admittedly heard. Their objections concerning the public purpose of the project, the alleged benefit to Shree Cement Limited, availability of an alternative alignment, use of the existing railway infrastructure, impact upon agricultural lands and other allied issues were before the competent authority. The competent authority, after considering the objections and the material placed by the Railway authorities, rejected the objections and permitted the acquisition to proceed.

35. The petitioners have strongly relied upon the fact that, according to them, the proposed railway line could have been aligned along the existing railway corridor serving UltraTech Cement and that sufficient land was available alongside the existing railway track. This Court is unable to accept the submission that such a dispute regarding the preferred alignment by itself furnishes a ground for interference under Article 226 of the Constitution.

36. Selection of railway alignment involves technical, engineering and administrative considerations. The Railway authorities have specifically explained that the alternative alignment suggested by the petitioners would involve passing through reservoir/waterlogged areas and would require construction of a

long-span bridge, apart from other technical difficulties. Whether one particular alignment is more convenient or economically preferable than another is essentially a matter for the competent technical authorities. In the absence of demonstrable mala fides, arbitrariness, colourable exercise of power or violation of a mandatory statutory provision, this Court cannot substitute its own opinion for that of the expert authorities.

37. The petitioners have also relied upon the fact that respondent No.5 has already developed certain railway infrastructure and has privately acquired land in the vicinity. Even assuming such facts, they do not establish that the present acquisition is a colourable exercise of statutory power. The Railway authorities have placed on record the policy framework under which the proposed connectivity is to be developed and have asserted that the acquired land and railway infrastructure shall remain under the control and ownership of the Railways.

38. The submission that the project should be abandoned merely because some of the landowners are unwilling to part with their land cannot also be accepted. Acquisition necessarily involves deprivation of private property, and such deprivation may cause hardship to the individual landowner. However, Article 300-A of the Constitution protects property from deprivation except by authority of law; it does not confer an absolute right upon a landowner to

prevent acquisition undertaken in accordance with law for a genuine public purpose.

39. The record further shows that the present project extends over a substantial area, covering several villages and affecting a large number of landowners. A substantial number of landowners have either consented to the acquisition or have accepted the compensation determined in accordance with law. The fact that some landowners continue to oppose the acquisition cannot, by itself, invalidate the project as a whole. The rights of individual landowners are required to be protected by ensuring lawful acquisition and payment of just compensation, but the Court cannot ordinarily bring to a standstill an integrated public infrastructure project merely because a few landowners remain dissatisfied with the acquisition.

40. The reliance placed by the respondents upon the decision of this Court in *Surendra Mohan Bist v. State of Chhattisgarh*, W.P.(C) No.562 of 2013, decided on 25.10.2024, is also of relevance insofar as it recognises the limited scope of interference with an acquisition which forms part of a larger railway project. The Court, while exercising judicial review, is not concerned with determining whether another alignment or another parcel of land would have been more suitable, unless the decision-making process itself is shown to be vitiated by illegality, arbitrariness, mala fides or

colourable exercise of power.

41. The judgment relied upon by the petitioners in ***Nareshbhai Bhagubhai and Others v. Union of India and Others***, reported in ***(2019) 15 SCC 1***, does not advance their case to the extent contended. The principle that statutory safeguards relating to acquisition must be complied with is beyond dispute. However, the said principle does not mean that an acquisition is liable to be annulled even after the competent authority has afforded opportunity of hearing and considered the objections, merely because the decision rendered is adverse to the landowners.

42. Similarly, the principles governing judicial review of administrative action, including the requirement of application of mind and recording of reasons, are well settled. The Court has examined the impugned order in the context of the material available on record and the subsequent proceedings. Though the order may not deal with every objection in the elaborate manner in which the petitioners have argued the matter before this Court, the substance of the objections was before the competent authority and the authority has recorded its conclusion after considering the objections and the stand of the Railway authorities.

43. The Court is also conscious of the fact that the present challenge cannot be examined in isolation from the subsequent

development in the acquisition proceedings. The declaration under Section 20-E of the Railways Act has already been issued. The statutory scheme contemplates that upon publication of the declaration under Section 20-E, the land vests in the Central Government in the manner provided by the Act. The petitioners cannot, therefore, seek to unsettle the entire statutory acquisition process merely by asserting that their objections ought to have been answered in greater detail, when the record establishes that the objections were in fact invited, heard and considered.

44. The contention raised by the petitioners that the entire acquisition should be quashed on the ground that the project would benefit respondent No.5 is also not sustainable. The Railways are entitled to undertake infrastructure projects which facilitate transportation of goods and promote connectivity with industrial establishments. The fact that the transportation of cement manufactured by respondent No.5 would be facilitated cannot convert the railway project into a private acquisition. The benefit to an industry is incidental to the larger railway infrastructure and does not, in the facts of the present case, establish that the statutory power of acquisition has been exercised for a collateral or private purpose.

45. The Court cannot lose sight of the larger public interest involved in the implementation of infrastructure projects.

Development projects, particularly projects relating to railway connectivity, inevitably involve acquisition of private land and may cause inconvenience or hardship to individual landowners. Such hardship, however, has to be addressed through the statutory mechanism of compensation and rehabilitation, wherever applicable; it cannot by itself furnish a ground for invalidating an otherwise lawful project.

46. In *Ramniklal N. Bhutta v. State of Maharashtra*, reported in *(1997) 1 SCC 134*, the Hon'ble Supreme Court has emphasised the need for the Court to balance individual rights against larger public interest while examining challenges to acquisition proceedings. The Court must remain conscious that infrastructure projects are undertaken for the benefit of the society at large and that interference at an advanced stage of acquisition can have consequences extending beyond the individual dispute.

47. The contention of the petitioners that the competent authority was bound to conduct a fresh detailed enquiry or spot inspection in respect of every objection also cannot be accepted as an absolute proposition. Section 20-D does not prescribe that in every case the competent authority must necessarily undertake a physical spot inspection or conduct an enquiry of the nature of a civil trial. The nature and extent of enquiry depends upon the objections raised and the material necessary for taking an informed decision. In the

present case, the competent authority had before it the project material, the objections of the landowners and the response of the Railway authorities.

48. So far as the challenge in W.P.(C) No.6592/2025 is concerned, the petitioners have raised additional objections regarding the impact of the project upon village pond, school, playground, common utility properties and agricultural holdings. These concerns undoubtedly deserve consideration by the competent authorities while implementing the project. However, the material on record does not establish that such objections were completely ignored or that the acquisition was undertaken without statutory authority. The Panchayat itself, through its counsel, has submitted that it has no objection to the project in public interest, subject to protection of village common resources and lawful interests of the villagers. Such concerns can be addressed by the competent authorities during implementation without invalidating the acquisition itself.

49. Likewise, in W.P.(C) No.987/2026, the petitioners have relied upon the earlier proceedings concerning the Greenfield Private Freight Terminal and the judgment passed in W.P.(C) No.2989/2021. The earlier judgment, however, related to the in-principle approval then granted and directed consideration of the proposal after affording due opportunity to the concerned party. It

does not follow that any subsequent railway project undertaken under a separate statutory scheme automatically becomes invalid. The petitioners have failed to demonstrate that the present acquisition notification has been issued without jurisdiction or in direct violation of the binding directions contained in the earlier judgment.

50. The Court is also unable to accept the contention that the entire acquisition proceeding is liable to be quashed merely because the petitioners have raised a dispute regarding the ultimate beneficiary of the railway connectivity. The relevant test is whether the statutory authority has exercised its power for the purpose for which such power has been conferred. In the present case, the project is a notified Special Railway Project, the acquisition is undertaken under Chapter IV-A of the Railways Act, and the acquired land is to vest in the Central Government/Railways. No material has been placed before this Court which would establish that the statutory power has been exercised for a collateral or colourable purpose.

51. It is also significant that the petitioners do not allege that the competent authority lacked jurisdiction to initiate the acquisition. Their principal grievance is with the manner in which their objections were considered and with the conclusion reached by the authority. Once it is found that the petitioners were afforded an

opportunity of hearing, their objections were placed before the competent authority and a decision was thereafter taken, the scope of interference under Article 226 becomes limited. This Court cannot sit as an appellate authority over the decision of the competent authority in respect of technical alignment, feasibility or desirability of a railway project.

52. The Court is, therefore, of the considered opinion that the petitioners have failed to establish any violation of the mandatory procedure prescribed under Section 20-D of the Railways Act, 1989. The record does not disclose that the objections were rejected behind the back of the petitioners or without affording them an opportunity of hearing. On the contrary, the earlier grievance of the petitioners was considered by this Court and appropriate directions were issued, pursuant to which the competent authority undertook the exercise of considering the objections and thereafter passed the order dated 27.01.2026.

53. Merely because the competent authority has rejected the objections, it cannot be said that the statutory right under Section 20-D has been denied. The right is to object and to have the objection considered in accordance with law; it is not a right to have the objection accepted. The petitioners have been unable to demonstrate that the decision-making process was vitiated by mala fides, arbitrariness, lack of jurisdiction, colourable exercise of

power or violation of any mandatory statutory requirement.

54. The Court is also conscious that the project has proceeded substantially beyond the initial stage and the declaration under Section 20-E has already been issued. At this stage, quashing the entire acquisition proceedings would have the effect of bringing to a standstill a large-scale railway infrastructure project affecting several villages and a large number of landowners, despite there being no established jurisdictional or statutory infirmity in the acquisition process. Such an order would not be justified merely on the basis of the individual objections raised by the petitioners.

55. The grievance of the petitioners regarding deprivation of their agricultural lands and the consequential hardship cannot be ignored. However, the constitutional protection under Article 300-A is satisfied when deprivation of property is by authority of law. The Railways Act, 1989 provides the statutory authority for acquisition and also provides for determination and payment of compensation. The petitioners are, therefore, entitled to avail the remedies available to them under the statutory scheme in respect of compensation or any other matter for which a statutory remedy is provided.

56. The additional judgment relied upon by learned Senior Counsel for respondent No.5, namely, *Smt. Ayyamma v.*

Government of India & Others, W.P. Nos.203560 and 200328 of 2025, decided by the Hon'ble Karnataka High Court, Kalaburagi Bench, on 17.07.2026, also supports the broad proposition that a Special Railway Project undertaken under Chapter IV-A of the Railways Act for connectivity to a Gati Shakti Multi-Modal Cargo Terminal does not cease to be a public-purpose project merely because a private terminal operator would derive benefit from such connectivity. Though the said decision is not binding upon this Court, the reasoning contained therein is consistent with the principles applicable to the present case.

57. Having considered the entire material on record, this Court finds that the competent authority has acted within the statutory framework of the Railways Act, 1989; the petitioners were afforded an opportunity of hearing; their objections were considered; and the order dated 27.01.2026 was thereafter passed rejecting the objections. The petitioners have not been able to establish any such illegality or procedural infirmity which would warrant exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

58. Consequently, this Court is of the considered view that neither the order dated 27.01.2026 passed by the Sub-Divisional Officer (Revenue), Simga-cum-Land Acquisition Officer, nor the acquisition proceedings initiated pursuant to the notification dated

16.06.2025 warrant interference. The prayer for directing the competent authority to undertake a fresh exercise under Section 20-D of the Railways Act also cannot be granted, as such an exercise has already been undertaken pursuant to the earlier directions of this Court.

59. Accordingly, the petitioners have failed to make out a case for grant of any relief under Article 226 of the Constitution of India. All the writ petitions are, therefore, **dismissed**. The interim order, if any, operating in any of the petitions, shall stand vacated. It is, however, made clear that dismissal of these writ petitions shall not preclude the petitioners from availing such statutory remedy as may be available to them in respect of determination, enhancement or payment of compensation, or any other remedy expressly provided under the Railways Act, 1989.

60. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge