



CGHC010256252022

2026:CGHC:33373

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3529 of 2022

Order Reserved on: 3.7.2026

Order Delivered on: 3.8.2026

1. Udaybhan Jaiswal S/o Late Shivdhan Jaisawal Aged About 74 Years U I D No. 473859808871 R/o Sarvamangala Nagar Durpa, Gevra Basti (Ward No. 45) Municipal Corporation Korba), Tahsil Katghora, District Korba, Chhattisgarh Pin 495454.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Its Principal Secretary, Revenue And Disaster Management Department, Government Of Chhattisgarh, Mahanadi Bhawan, Capitol Complex, Atal Nagar, Nava Raipur, Chhattisgarh Pin 492001.
2. Chairman-Cum-Managing Director South Eastern Coalfields Limited, S E C L H Q, Seepaath Road, Bilaspur, Chhattisgarh Pin 495006.
3. The Engineer-In-Chief Water Resource Department, Shivnath Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh Pin 492001.

4. The Collector, Korba Collectorate-Korba, Tah. And District Korba, Chhattisgarh Pin 495677.
5. Commissioner Municipal Corporation Korba Saket Bhawan, I T I Rampur, Korba, Tah. And District Korba, Chhattisgarh Pin 495677.

... Respondent(s)

For Petitioner(s)	:	Mr. Suryapratap Yuddhveer Singh, Advocate.
For Respondent(s)/State	:	Mr. Abhishek Gupta, Panel Lawyer.
For Respondent No. 2	:	Ms. Astha Shukla, Advocate on behalf of Mr. Vaibhav Shukla, Advocate.
For Respondent No. 5	:	Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 This hon'ble Court may please be kind enough in calling the entire records pertaining to the demolition of the petitioner's house, shop and courtyard beside the Hasdeo Right Bank Canal Road at Gevra Basti/Sarvamangala Nagar, Durpa, Korba and with regard to the compliance of the provisions of the RFCT Act 2013 & Chhattisgarh Model Rehabilitation Policy, from the office of the Collector, Korba.

10.2 This hon'ble Court may please be kind enough in directing the respondents to pay adequate compensation towards demolition of the petitioner's house, shop and courtyard beside the Hasdeo Right Bank Canal Road at Gevra Basti/ Sarvamangala Nagar, Durpa, Korba as per the provisions of the RFCT Act 2013 & the Chhattisgarh Model Rehabilitation Policy.

10.3 This hon'ble court may please be kind enough in directing the respondents to pay damages to the petitioner for the sufferings faced by him.

10.4 This hon'ble court may please be kind enough in granting any other relief and the cost of petition to the petitioner.”

2. Brief facts of the case, is that, the petitioner filed the present writ petition under Article 226 of the Constitution of India alleging illegal demolition of his residential house without payment of any compensation or rehabilitation. It is the case of the petitioner that his ancestral land situated at Village Tarda (now Sarvamangala Nagar), District Korba, was acquired by the Irrigation Department in the year 1973 for construction of the Hasdeo Right Bank Canal. According to the petitioner, thereafter, with the consent of the Irrigation Department, his family had been residing since the year 1990 in a semi-pucca residential house constructed over the residual land, for which a No Objection Certificate was also issued

by the competent authority. It is further pleaded that on account of the earlier acquisition, he was provided temporary employment in the Irrigation Department, which was subsequently regularized, though no formal rehabilitation was granted. The petitioner alleges that on 09.01.2021, his residential house was demolished by the authorities for widening of the Hasdeo Right Bank Canal Road without following due process of law, without assessment of damages, without prior notice, and without payment of compensation, resulting in substantial loss to his property and household articles. Thereafter, the petitioner approached various authorities including the Revenue Department, Water Resources Department, South Eastern Coalfields Limited, Municipal Corporation, and the Collector, Korba, but each department shifted responsibility to another and no relief was granted. Despite submitting several representations and serving a legal notice dated 28.03.2022, the petitioner did not receive any response or compensation, compelling him to invoke the extraordinary jurisdiction of this Court seeking appropriate compensation, rehabilitation, and other consequential reliefs.

3. Learned counsel for the petitioner submits that the action of the respondents in demolishing the petitioner's residential house without initiating acquisition proceedings, issuing prior notice, granting an opportunity of hearing, determining compensation, or providing rehabilitation is wholly arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution of India. It is contended that

the petitioner squarely falls within the definition of a "person interested" under Section 3(x) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and, therefore, the respondents were under a statutory obligation to comply with the mandatory provisions of the Act, including Sections 15, 23, 28, 40, and 94 relating to hearing, determination of compensation, payment of compensation before dispossession, and rehabilitation. It is further submitted that despite repeated representations and issuance of a legal notice, none of the respondent authorities accepted responsibility for the demolition or paid any compensation. Accordingly, it is urged that the respondents have acted in complete disregard of the statutory provisions and settled principles of law, and the petitioner is entitled to adequate compensation, rehabilitation, and such other reliefs as may be deemed just and proper by this Court.

4. Learned counsel for the State submits that the present writ petition, insofar as it relates to the State authorities, is wholly misconceived and not maintainable, as no specific allegations have been made against the State nor has any substantive relief been sought against it. It is contended that the principal grievance of the petitioner is directed against the Municipal Corporation, Korba. The State authorities have been impleaded only as formal parties, and in the absence of any cause of action or relief claimed against them, no liability can be fastened upon the State.

Accordingly, it is prayed that the writ petition, so far as it concerns the State authorities, deserves to be dismissed.

5. Learned counsel for respondent No. 2 submits that the present writ petition is liable to be dismissed on the ground of gross delay and laches, as the petitioner has sought compensation after an unexplained lapse of more than three decades. It is further submitted that the petitioner had illegally encroached upon land belonging to SECL, which had already been acquired by the Government of India under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957, and, therefore, acquired no legal right or title over the land. It is contended that any alleged No Objection Certificate issued by the Irrigation Department neither conferred title upon the petitioner nor authorized construction over land acquired for coal mining. Learned counsel further submits that the demolition was carried out by the Municipal Corporation as part of a road corridor project for removal of unauthorized structures, and since the petitioner's house was an illegal construction raised on acquired SECL land, he is not entitled to any compensation or other relief.
6. Learned counsel for respondent No. 5 submits that the present writ petition is not maintainable and is liable to be dismissed on the ground of gross delay and laches, as the petitioner has approached this Court after more than 32 years of the alleged cause of action. It is further submitted that the petitioner has sought compensation under the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which was not in force at the relevant time. Learned counsel contends that the petitioner himself has admitted that his ancestral land was acquired by the erstwhile State of Madhya Pradesh and that he was provided employment in the Irrigation Department pursuant to such acquisition. Therefore, if any claim for compensation survived, the same ought to have been raised against the erstwhile State of Madhya Pradesh, which has not even been impleaded as a party to the present proceedings. It is thus submitted that no cause of action is made out against respondent No. 5 and the writ petition deserves to be dismissed.

7. Having heard learned counsel for the parties at length and upon perusal of the material available on record, this Court finds that the petitioner's ancestral land had already been acquired by the competent authority and the petitioner had been duly compensated in accordance with law. The record further reveals that, subsequent to such acquisition, the petitioner unauthorizedly occupied a portion of the acquired land and raised a house and a shop thereon without any legal right or authority. It is also evident that during the execution of the road widening project, the respondent authorities called upon the petitioner to remove the unauthorized construction; however, upon his failure to do so, the Municipal Corporation removed the said encroachment in accordance with the action undertaken for implementation of the

project. Since the petitioner's occupation of the land and the construction raised thereon were wholly unauthorized and illegal, no legal right accrues in his favour to claim compensation or rehabilitation on account of the removal of such encroachment.

8. The High Court of Andhra Pradesh at Amaravati in the matter of ***Thota Venkatadri and others vs. State of Andhra Pradesh and others, 2026 SCC Online AP 275***, High Court of Andhra Pradesh at Amaravati as under:-

“26. An encroacher of Government land would remain an encroacher, regardless of whether the encroacher has been in possession of the encroached land for decades. The possession of the said property by the encroacher is neither permissive possession nor legalised. The said possession of land would have to be considered illegal, and illegal encroachers cannot claim equities for the grant of compensation on par with the landowners having valid title and ownership documents. The encroachers of any Government land cannot claim any right, title, interest, lien or any vested interest without regularisation of their encroachment or the Government issuing any pattas in their favour or any other legally valid document which would regularise their encroachment.

28. Illegal encroachers cannot claim compensation and invoke the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said Act was not introduced in the interest of illegal encroachers. The Act is a beneficial legislation which ought to be extended to the land owners and property owners, who have a valid title over the same or granted any vested rights under the various enactments or granted any patta rights over the property, including assigned lands or the property owners who are declared as owners by virtue of Court orders.

29. The petitioners' cases do not fall within any of the categories for considering them as landowners, as defined under Section 3(r) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 3(n) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would also not come to the rescue of the petitioners, as none of the petitioners held the land in the capacity of landowners."

9. Upon a careful consideration of the pleadings, documents placed on record, and the submissions advanced on behalf of the respective parties, this Court is of the considered opinion that the

petitioner has failed to establish any enforceable legal or statutory right warranting interference in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India. No ground is made out for grant of the reliefs sought in the present writ petition.

10. Consequently, finding no merit in the writ petition, the same is hereby **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat