2025:AHC:184251-DB

A.F.R.

Judgment reserved on 18.09.2025
Judgment delivered on 15.10.2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – C No. -1270 of 2025

Km. Bhavna and another	.....Petitioners(s)

Versus

Union of India and 2 others	.....Respondents(s)

Counsel for Petitioners(s)	:	Vinayak Mithal
Counsel for Respondent(s)	:	A.S.G.I.,C.S.C., Pranjal Mehrotra, Vaibhav Tripathi

Court No. - 29

HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE ANISH KUMAR GUPTA, J.

(Per: Mahesh Chandra Tripathi, J.)

1. Heard Shri Vinayak Mithal, learned counsel for the petitioners; Shri Pranjal Mehrotra, learned counsel for respondent nos.1 & 2 and Shri Fuzail Ahmad Ansari, learned Standing Counsel for State respondent no.3.

2. The instant writ petition has been filed for a direction commanding the respondents to forthwith declare the award under

Section 31 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013[1] in accordance with the Second Schedule and provide the entitlements to the petitioners within some stipulated time.

FACTUAL MATRIX OF THE CASE

3. The facts leading to this petition are that the petitioners' father namely Sunil Kumar was owner of 1/4th share in land bearing Khasra No.690/3 situated at Village Jadauda, Tehsil Sadar, District Muzaffar Nagar. He died in the year 2003, leaving behind his widow Smt. Savita and the petitioners as his legal heirs. The petitioners were minor at the time of death of their father. Later on, the mother of the petitioners re-married to Anil Kumar, leaving behind the minor children in the custody of their grandparents.

4. On 16.01.2015, a notification was issued under Section 20-A of the Railways Act, 1989[2] by the Ministry of Railways, notifying its intention to acquire the land specified in the notification including the petitioners' land in Khasra No.690/3 for the public purpose of construction of the "Special Rail Project Eastern Dedicated Freight Corridor[3]" and the same was published in local newspapers on 03.03.2015. Subsequently, the declaration under Section 20-E of the Act, 1989 was made on 21.12.2015 and the same was published in the newspapers on 15.01.2016. Again the Ministry of Railways had acquired the land of the petitioners by issuing a notification dated 18.04.2016 and declaration was made on 28.12.2016, which was also published in the newspapers on 04.05.2016 and 22.01.2017 respectively. Consequently, the Competent Authority had determined the amount payable as compensation under Section 20-F of the Act, 1989 and declared the awards on 30.07.2016 and thereafter on 26.12.2017 under Section 30 of the RFCT-LARR Act, 2013. The physical possession of the petitioners' land was also taken by the respondent no.2.

1. RFCT-LARR Act, 2013
2. Act, 1989
3. DFC

5. In exercise of powers under Section 105 (3) of the RFCT-LARR Act, 2013, the Central Government had issued the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015[4] on 28.08.2015, which reads as under:-

> "1. (1) This Order may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015.
>
> (2) It shall come into force with effect from the 1st day of September, 2015.
>
> 2. The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to all cases of land acquisition under the enactments specified in the Fourth Schedule to the said Act."

<u>ARGUMENTS ON BEHALF OF THE PETITIONERS</u>

6. Shri Vinayak Mithal, learned counsel for the petitioners, referring to the Order, 2015, submitted that for any award declared on or after 01.09.2015, the amount payable as compensation is to be determined by the Competent Authority in accordance with the provisions of the RFCT-LARR Act, 2013 as well as the Order, 2015. However, the Competent Authority had declared the awards only taking into consideration the First Schedule of the RFCT-LARR Act, 2013 and it had not taken into consideration rehabilitation and resettlement award in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule of the RFCT-LARR Act, 2013. He submitted that Section 31 of the RFCT-LARR Act, 2013 provides that the rehabilitation and resettlement award is to be declared for each affected family in terms of the entitlements provided in the Second Schedule. Thus, the Competent Authority was legally bound to declare the rehabilitation and resettlement award in accordance with Second Schedule of the RFCT-LARR Act, 2013. He had placed reliance on Section 38 of the RFCT-

4 Order, 2015

LARR Act, 2013, which provides that the possession of the land shall be taken after ensuring that full and final payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for compensation and a period of six months for the monetary part of the rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under Section 30 of the RFCT-LARR Act, 2013.

7. Learned counsel for the petitioners further submitted that the petitioners had moved several representations alongwith affidavits and other documents before the Competent Authority for declaration of the award as per Second Schedule of the RFCT-LARR Act, 2013. However, the Competent Authority has miserably failed to declare the award as per the Second Schedule of the RFCT-LARR Act, 2013 or provide any satisfactory response to the petitioners. He submitted that the father of the petitioners died in the year 2003 and their mother re-married with someone else in the year 2004. Since then the petitioners are living separately from their mother. The petitioners are facing extreme financial hardships after the death of their father, who was the only earning member of the family.

8. In support of his submission, learned counsel for the petitioners placed reliance on Section 3 (m) of the RFCT-LARR Act, 2013, which defines the term “family” to include a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him, provided that widows, divorcees and women deserted by families shall be considered as separate families. He submitted that the petitioners and their mother form a separate family and they cannot be considered as a part of the family of Anil Kumar. The petitioners have an independent/separate claim from the family of Anil Kumar and they are entitled to receive all the benefits provided under Second Schedule of the RFCT-LARR Act, 2013. The Competent Authority has not declared the Rehabilitation and Resettlement Award for the petitioners’ land till date. The petitioners are being deprived of their property in the form of

adequate compensation without any valid reason in utter disregard to Article 300-A of the Constitution of India. He submitted that the entitlements of the rehabilitation and resettlement as per the Second Schedule of the RFCT-LARR Act, 2013 have been granted to the affected families in several projects executed by the departments/authorities of the State Government and the respondent no.2.

9. Learned counsel for the petitioners next submitted that if the mother of the petitioners was not married to some one else, then in such situation the petitioners could not have asked for rehabilitation and resettlement as the head of the family would had been her mother. In case their holdings is not affected, or it is not subject matter of acquisition, then there was no question of rehabilitation and resettlement. In such situation, the share of the widow devolved from her late husband and she would be entitled for rehabilitation and resettlement as she would have an independent status under the definition of Section 3 (m), which also provided that widows, divorcees and women deserted by families shall be considered separate families. Since their mother had married to some one else, as such the petitioners contribute a separate family unit. In support of his submission, he had placed reliance on the order dated 21.02.2023 passed in Writ C No.21601 of 2022 (**Ranvir Singh & ors vs. National Highways Authority of India and ors**), wherein the Division Bench had proceeded to dispose of the writ petition following observations:-

> "For the above, without entering into the merits of the claim of the petitioner, it is directed that the competent authority under the National Highways Act, 1956 shall prepare a proposal for the rehabilitation and resettlement award for affected families, within the meaning of Section 3(c) of the Act, 2013, in terms of the entitlements provided in the Second Schedule, with the assistance of the officers of the NHAI and submit the same before the Collector for making award in accordance with the provisions of Section 31 of the RECTLARR Act, 2013.
>
> For preparation of the said proposal, the competent authority shall make necessary enquiry as per the provisions of the Sections 34, 35 and 36 of the RECTLARR Act, 2013 as contained in Chapter V of the Act, 2013, i.e before preparation of the rehabilitation and resettlement award, in relation to the acquisition in question.

It goes without saying that the representatives of the National Highways Authority and the affected tenure holders are entitled to participate in the proceedings for preparation of the award. The claim of the petitioners herein for the entitlements under the Second Schedule at serial no. (1) for provision of housing unit in case of displacement; serial no. (4) choice of annuity and employment and serial no. (10), one time resettlement allowance, shall be specifically considered by the competent authority in making such an award.

The entire exercise shall be completed, as expeditious as possible, preferably, within a period of six months from the date of receipt of copy of this order.

We may make it clear that, at this stage, no direction has been given for providing benefits of Third Schedule as no such demand has been raised by the petitioners herein.

In any case, while making such an award, independent consideration shall be given to the elements of rehabilitation and resettlement entitlements for the affected families provided in the Second Schedule, without being influenced by any of the observations made hereinabove.

With the above observations and directions, the writ petitions in this bunch are disposed of.”

10. He had further placed reliance on the order passed in Writ C No.2782 of 2023 (**Ashok Kumar and 8 others vs. National Highway Authority of India and 3 other**s), which was disposed of by this Court, by order dated 24.2.2023 in terms of the order passed in Ranvir Singh and others (supra). The operative part of the order passed in Writ C No.2782 of 2023 (Ashok Kumar and 8 others vs. National Highway Authority of India and 3 others), dated 24.2.2023 is as follows :-

"9. Lastly the writ petitions have been disposed of with the following directions:-

"For the above, without entering into the merits of the claim of the petitioner, it is directed that the competent authority under the National Highways Act, 1956 shall prepare a proposal for the rehabilitation and resettlement award for affected families, within the meaning of Section 3(c) of the Act, 2013, in terms of the entitlements provided in the Second Schedule, with the assistance of the officers of the NHAI and submit the same before the Collector for making award in accordance with the provisions of Section 31 of the RECTLARR Act, 2013.

For preparation of the said proposal, the competent authority shall make necessary enquiry as per the provisions of the Sections 34, 35 and 36 of the RECTLARR Act, 2013 as contained in Chapter V of the Act, 2013, i.e before preparation of the rehabilitation and resettlement award, in relation to the acquisition in question.

It goes without saying that the representatives of the National Highways Authority and the affected tenure holders are entitled to participate in the proceedings for preparation of the award. The claim of the petitioners herein for the entitlements under the Second Schedule at serial no. (1) for provision

> of housing unit in case of displacement; serial no. (4) choice of annuity and employment and serial no. (10), one time resettlement allowance, shall be specifically considered by the competent authority in making such an award.
>
> The entire exercise shall be completed, as expeditious as possible, preferably, within a period of six months from the date of receipt of copy of this order.
>
> We may make it clear that, at this stage, no direction has been given for providing benefits of Third Schedule as no such demand has been raised by the petitioners herein.
>
> In any case, while making such an award, independent consideration shall be given to the elements of rehabilitation and resettlement entitlements for the affected families provided in the Second Schedule, without being influenced by any of the observations made hereinabove."
>
> 10. The petitioners herein are similarly situated and, therefore, are entitled for the same relief.
>
> 11. The present writ petition is, accordingly, disposed of. "

ARGUMENTS ON BEHALF OF DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED

11. *Per contra*, Shri Pranjal Mehrotra, learned counsel for Dedicated Freight Corridor Corporation of India Limited[5] vehemently opposed the writ petition and submitted that Section 31 of the RFCT-LARR Act, 2013 pertains to the rehabilitation and resettlement award for affected families by the Collector. The term “affected family” has been defined in Section 3 (c) of the RFCT-LARR Act, 2013, which refers to the term “family”, which has been defined in Section 3 (m) of the RFCT-LARR Act, 2013. He submitted that for construction of the DFC, 0.0050 hec. land of Khasra No.690/3 was acquired and notification dated 16.1.2015 and declaration dated 21.12.2015 under Section 20A and 20E of the Act, 1989 were published. Thereafter, the Competent Authority had declared the award dated 30.07.2016.

12. Shri Pranjal Mehrotra further submitted that father of the petitioners died on 20.06.2003 i.e., much before issuance of the aforesaid notification under Section 20-A of the Act, 1989 and after his death, the petitioners’ mother had remarried to Anil Kumar (brother of late Sunil Kumar). In such circumstances, the petitioners, who were minor at that time, became dependent on Anil Kumar. The petitioners have themselves admitted in para-4 of the writ petition, that after the death of their father, the petitioners came under the guardianship of their mother and

5. DFCCIL

therefore, the petitioners were apparently dependent upon their step father at the time of the publication of the notification under Section 20A of the Act, 1989. As per provisions of the RFCT-LARR Act, 2013, the petitioners could be considered as one project affected family only and the payment for the rehabilitation and resettlement had already been made in the past to Anil Kumar, who is a member of the aforesaid project affected family. The petitioners had already been paid compensation of the acquired land belonging to their father. However, so far as the rehabilitation and resettlement amount is concerned, the petitioners were apparently dependent upon their step father at the time of publication of the notification under Section 20A of the Act, 1989 and the petitioners are not entitled for any other separate rehabilitation and resettlement compensation.

13. Shri Pranjal Mehrotra further submitted that the respondent no.2 acquired the land in question for construction of the DFC and therefore, the said acquisition is linear in nature, which does not provide any displacement of affected persons. He has placed reliance on the notification issued by the Government of India, Ministry of Railways (Railway Board) dated 23.05.2025, which deals with the approval of entitlement matrix for DFC project in accordance with new Land Acquisition Act, 2013 and made effective from January 1, 2015. The First Schedule deals with the compensation for land and value of assets attached to land or building. He had heavily relied upon the Second Schedule, which deals with resettlement and rehabilitation assistances for project affected people, wherein detailed procedure is provided for according component of compensation package in respect of land acquired under RFCT-LARR 2013, determination procedure, eligibility criteria and also explanatory remarks. He submitted that detailed procedure is provided therein to accord the benefit under First Schedule and also under Second Schedule. For ready reference, the entitlement matrix, which is effective from January 1, 2015, the First Schedule and the Second Schedule are reproduced herein below:-

“ENTITLEMENT MATRIX

(Effective from January 1, 2015)

THE FIRST SCHEDULE

Compensation for Land and Value of Assets Attached to Land or Building

<table>
<tr><td>SN</td><td>Component of Compensation Package in respect of land acquired under RFCT-LARR, 2013</td><td>Determination procedure</td><td>Eligible Category</td><td>Explanatory Remarks</td></tr>
<tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr>
<tr><td>1</td><td>Market value of land</td><td>To be determined as provided u/s 26 of RFCT-LARR, 2013 and spelled out in Note A and B.</td><td rowspan="7">a. Land Owners whose names are recorded in the revenue records, or who have verifiable claims to ownership, compensation u/s 3 c (I) of RFCT-LARR, 2013.
b. Registered “lessees”, ‘tenants’ or ‘share croppers” will get an apportionment of the compensation as determined by the Appropriate Government payable under law.
c. In case of land occupiers (such as occupiers of abadi lands, assigned lands, or tribes occupying forest lands) with claims/rights recognized under state/Central laws) covered u/s 3 c (iii), (v) of RFCT-LARR, 2013 will get compensation with solatium at par with titleholders.</td><td rowspan="7">A. Compensation for Structure

(a) Cash compensation for the building and assets at market value determined u/s 29 of RFCT-LARR, 2013 and Note D. In case of partial impact making unimpaired use of the structure difficult, such as where more than 25% of the structure area is affected, full compensation shall be paid u/s 94 of RFCT-LARR, 2013.

(b) In case of partial impact, 25% additional amount to be paid on compensation award for the affected part of the structure to enable damage repair where the owner/occupier is of his/her own will interested to retain the remaining part of the structure, provided that unimpaired continuous use of such structure is possible without hazards.
(c) Right to salvage material from the affected structures.
(d) Three months’ advance notice to vacate structures.

B. Partial impact on land: In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-</td></tr>
<tr><td>2</td><td>Factor by which the market value is to be multiplied in the case of rural areas</td><td>1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government</td></tr>
<tr><td>3</td><td>Factor by which the market value is to be multiplied in the case of urban area</td><td>1 (One)</td></tr>
<tr><td>4</td><td>Value of assets attached to land or building</td><td>To be determined as provided u/s 29 of RFCT-LARR, 2013</td></tr>
<tr><td>5</td><td>Solatium</td><td>Equivalent to one hundred per cent of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2)</td></tr>
<tr><td>6</td><td>Final award in rural area</td><td>Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).</td></tr>
<tr><td>7</td><td>Final award in urban areas</td><td>Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).</td></tr>
</table>

				LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plots or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land lower. C. **Compensation for trees/crops etc.** a. Cash compensation as estimated u/s 29 (3), RFCT-LARR, 2013 by: I. Forest Department for timber trees ii. State Agriculture Extension Department for crops. Iii. Horticulture Department for horticulture, perennial trees iv. Cash assistance to title holders and non-title holders including informal settlers/squatters for loss of trees, crops and perennials at market value. b. Three months' advance notice to affected parties to harvest fruits, crops In case of standing crops, the affected parties shall receive three months' advance notice to salvage crops, or compensation in lieu thereof as determined above. D. **Alternative Compensation packages.** In case where a State Government through any act or Gazette Notification or as approved by any authority of State Government (duly authorized for the purpose) as per their approval procedure has fixed a rate for compensation of land, the same may be adopted by the Competent Authority in determining the

				compensation for land in lieu of package available under the First Schedule.
8	Other component, if any, to be included	Interest on compensation payable to the affected families as notified by the concerned State Government or at the rate of 12% per annum from the date of LA notification u/s 20A of RAA, 2008 applicable as per Section 30 (3) of RECT-LARR, 2013 and explained in Note A (6).		

THE SECOND SCHEDULE

Resettlement and Rehabilitation Assistance for Project Affected People

SN	Elements of Rehabilitation and Resettlement Entitlements	Eligibility Category	Entitlement	Explanatory Remarks
1	2	3	4	5
1	Provision of housing units in case of displacement	a. All affected family defined u/s 3 C of RFCT-LARR 2013 required to relocate due to the Project for which land is being acquired including land owners, customary dwellers and occupiers whose livelihood is primarily dependent on the affected land. b. This benefits shall also be extended to any affected family which is without homeseatd land and which has been residing in the area continuously for a period of not less than three years proceeding the date of notification of the affected area and which has been involuntarily displaced from such area u/s 1 (2) of Second Schedule of RFCT-LARR, 2013.	a. **Rural Areas**: A constructed house as per Indira Awas Yojana specifications, or Cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs.60,000/-. b. **Urban Areas:** A constructed house of minimum 50 sqmts in plinth area or cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs.1,50,000.	a) This cash assistance in lieu of the provision of alternative house shall be provided to all displaced families without discrimination, including resident owners, occupant land assignees, long-term lessess. b) This assistance shall be extendable to mixed-use structures fulfilling residential and commercial purposes in owner as well as un-titled categories. c) Displaced squatters losing their structure will be entitled to an alternative house or cash assistance as per Column-5, or compensation for structure as per Column 4, Para-D in the First Schedule, whichever is higher.
2	Land for Land	In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or		This provision is not applicable to DFCCIL, rail corridor projects which are linear in nature.

		who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lowe (item 2, Sch.2, RFCT-LARR, 2013).		
3	Offer for Developed Land	In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development: Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.		This provision is not applicable to the DFCCIL rail corridor projects. However, this provision may apply in case if projects involving land development are undertaken by DFCCIL in future.
4	Choice of Annuity or Employment	Affected families defined u/s 3 (c) of RFCT-LARR, 2013	DFCCIL shall provide Affected families with: (a) Employment opportunity where jobs are created through the project, after providing them suitable training and skill development in the required field, at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) Onetime payment of 500,000 rupees per affected family; or (c) Annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for agricultural	a) Suitable provisions will be made and disclosed in line with the extant Law/Rules as obtaining in the concerned State at the time of acquisition. b) The affected family will have the option to opt for annuity or onetime financial assistance in lieu of the above.

			Labourers.	
5	Subsistence grant for displaced families for a period of one year	Each affected family (losing residential, or/and commercial structures) defined u/s 3 of RFCT-LARR, 2013, displaced by the Project.	a. Subsistence allowance of Rs.3000 per month for one year b. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount Rs.50,000/-	a. The affected family will have the option to opt for onetime payment of subsistence allowance payable over a year. b. The additional subsistence allowance of 50,000 rupees payable to the Scheduled Castes and the Scheduled Tribes shall be on onetime basis. c. The subsistence allowance will be provided to the displaced squatters, provided they are below poverty line or without an assured source of income, or if their livelihood is lost due to displacement.
6	Transportation cost for displaced families	Each displaced family in owner and non-title holder categories defined u/s 3 of RFCT-LARR, 2013	One-time financial assistance of Rs.50,000/- as transportation cost for shifting of the family, building materials, belongings and cattle.	a. Transportation allowance will be provided to resident owners, lessees, protected/long term tenants, squatters. b. All displaced families will receive three months advance notice to vacate.
7	Cattle shed/Petty shops cost	Each affected family having cattle or having a small shop	One-time financial assistant of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs.25,000/- for construction of cattle shed or small shop as the case may be.	a. Small shops will include commercial kiosks and shanties where business is carried out. b. Cattle shed shall mean any permanent, semi permanent structure or makeshift shed erected on long term basis for keeping cattle. c. Kiosks and vendors receiving this cash assistance under the ‘small shop’ category shall not be entitled to any other rehabilitation assistance under Second Schedule.
8	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to	One-time financial assistance of amounts, notified by the appropriate Government but not less than Rs.25,000/-	a. The affected families eligible for this assistance may be from title holder or non-title holder categories as defined u/s 3 (3) of RFCT-LARR, 2013. b. The actual person losing income in this

		land acquisition		category shall be eligible for this financial assistance without discrimination on the basis of gender.
9	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.		This provision is not applicable in case of DFCCIL projects.
10	One-time Resettlement Allowance	Each affected family	One time resettlement allowance of Rs.50,000/-	a. The affected families eligible for this assistant may be from title holder or non-title holder categories as defined u/s 3 (c) of RFCT-LARR, 2013. b. This will be extended to also to the physically challenged persons and women headed households.
11	Stamp duty and registration fee	Each affected family	Reimbursement of stamp duty and fees for purchase and registration of alternative property	Purchase of alternative property including land, residence, or shop to replace the lost land and assets in the name of self, or/and in the name of the spouse within one year from receipt of compensation.
12	Provision of Resettlement Sites	Groups of affected families relocated by the Project in block in resettlement sites established for the purpose	Appropriate permanent housing with minimum specified floor area at resettlement sites with providing basic services and other provisions as spelt out in the Third Schedule of RFCT-LARR, 2013 where resettlement sites are established for the displaced families.	a) This may not be applicable in most cases; however, wherever, such an option is planned, DFCCIL shall include these in the Resettlement Action Plan (RAP) and implement the same. b) The RAP shall spell out services to be provided, key conditions for allowing occupancy, and indicators for withdrawal of post-resettlement support once the people are adequately settled.
13	Loss of Community Infrastructure and Common Property Resources	Affected communities and groups	Reconstruction of community structure and common property resources	The reconstruction of community structures and replacement of common property resources shall be done in consultation with the community.
14	Mitigation of	Affected owners of land &	Compensation for	The contractor shall

	Temporary Impacts on Lands and Assets	assets	temporary impact during construction like disruption of normal traffic, damage to adjacent parcel of land/assets due to the movement of heavy machinery and plant site.	bear the compensation cost of any impact on structure or land due to movement of machinery during construction or establishment of construction plant. All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps by contractors in consultation with DFCCIL.

14. For grant of benefits under Sl. Nos.4 & 10 under Schedule II of the RFCT-LARR Act, 2013, the landowners are obligated to prove their entitlement by firstly raising their claims in respect of benefits enumerated under Schedule II of the RFCT-LARR Act, 2013 and secondly, by filing relevant documentary evidence in order to substantiate their claims. However, in the present case, the petitioners claimed the benefit of the above Schedule, but they have not placed any evidence to prove that as a sequel of acquisition of their land, whereon they were dependent for their livelihood, thereby they become an affected family. In this regard, he had placed reliance on the Division Bench judgement of Hon'ble High Court of Punjab & Haryana at Chandigarh in Civil Writ Petition No.28804 of 2022 (**Ashok Kumar Garg vs. Union of India & ors**), wherein it was categorically stated that the onus lies on the landowners to prove their entitlement for benefits enshrined under the Rehabilitation & Resettlement Scheme.

15. Learned counsel for the respondent no.2 submitted that in order to claim the benefits of Rehabilitation and Resettlement under Schedule II of the RFCT-LARR Act, 2013, the landowner is under an obligation to prove that due to the said acquisition, the landowner has lost his entire or majority of the landholding, which has resultantly forced him to relocate to a new place or that the landowner is primarily dependent on the land under acquisition and as a result of acquisition of the entire land, which

is the only source of livelihood, he has been forced to relocate to a new place to carry on his business. So far as the benefits of "Choice of Annuity or Employment" under Second Schedule of the RFCT-LARR Act, 2013 is concerned, the scheme of Rehabilitation and Resettlement under the RFCT-LARR Act, 2013 is applicable only in cases where the landowner, whose land is acquired, and the family, whose source of livelihood is primarily dependent upon such land, is dislocated and compelled to change his place of residence or business due to such acquisition. The Second Schedule of the RFCT-LARR Act, 2013 refers to Sections 31 (1), 38 (1), and 105 (3) of the RFCT-LARR Act, 2013 and these Sections do not contain any provision in respect of this component of "Choice of Annuity or Employment". Further, no documentary evidence was filed by the petitioners to prove their entitlement for aforesaid benefits. Furthermore, in absence of any provision by the appropriate Government, benefits of "Choice of Annuity or Employment" under Schedule II of the RFCT-LARR Act, 2013 cannot be granted to the petitioners.

16. He next submitted that the intent of the legislature is to provide adequate jobs and employment to the affected families, whose source of livelihood has been primarily dependent on the land acquired. The legislature was well aware that adequate job opportunities could not be generated in all the projects. Consequently, in lieu of employment benefits, the option of one time lumpsum/monthly annuity was introduced under the same category at serial no.4 to compensate the landowners whose livelihood, primarily dependent on the acquired land, has been affected. Thus, the choice of annuity is a mere alternative compensation awarded in place of employment. The entitlement to such benefits is contingent upon the substantiation of the assertion of the landowners that the acquired land constituted their primary source of livelihood and that the said source has been adversely affected to the acquisition. In the present case, the petitioners have failed to furnish any cogent evidence demonstrating that their livelihood is primarily dependent on the acquired land, which is a condition precedent for

availing such benefits. Therefore, the petitioners are not eligible for the "Choice of Annuity or Employment" benefits under any circumstances.

17. He further submitted that "One Time Resettlement Allowance" plays a pivotal role in ensuring the smooth transition of affected families during the process of land acquisition. This allowance serves as a crucial financial support mechanism for those displaced, facilitating their rehabilitation and resettlement into new livelihoods and environments. Therefore, this would apply only where an affected family is displaced due to change of place of residence and/or the livelihood of such affected family is primarily dependent on the land acquired and on account of change of place of business/occupation the landowner has to re-settle somewhere else due to acquisition of his land. He submitted that the word "displaced family" has been defined under Section 3 (k) of the RFCT-LARR Act, 2013 as "any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. Further, Section 3 (zc) of the RFCT-LARR Act, 2013 defines "Resettlement Area" as an area where the affected families, which have been displaced as a result of land acquisition are resettled by the appropriate Government. However, in the present case, neither the entire landholding of the petitioners has been acquired, nor were the petitioners displaced and resettled to a new location, nor the petitioners have proved that the land under acquisition is the primary source of livelihood. If a landowner has not been displaced and his livelihood, which is primarily dependent on the acquired land, has not been affected and no resettlement has taken place, then the benefit of "One Time Resettlement allowance" under Schedule-II of the RFCT-LARR Act, 2013 cannot be paid. The writ petition is misconceived and the same is liable to be dismissed.

ARGUMENTS ON BEHALF OF STATE RESPONDENT

18. Sri Fuzail Ahmad Ansari, learned Standing Counsel appearing for the State respondent submitted that admittedly, for the construction of DFC, the disputed land was acquired, for which notification under

Section 20A of the Act, 1989 was published on 16.01.2015 and declaration under Section 20E of the Act, 1989 was made on 21.12.2015. He submitted that the father of the petitioners had died on 20.06.2003, much before issuance of the aforesaid notification under Section 20-A of the Act, 1989. After the death of their father, the petitioners' mother had remarried to Anil Kumar, who is the real brother of late Sunil Kumar and at that time, the petitioners were minors and they were dependent on Anil Kumar.

19. Shri Fuzail Ahmad Ansari further urged that the petitioners have themselves admitted the dependency in paragraph no.4 of the writ petition that after the death of their father, the petitioners came under the guardianship of their mother and therefore, the petitioners were apparently dependent upon their step father Anil Kumar at the time of publication of the notification under Section 20A of the Act, 1989. He submitted that admittedly, the petitioners had already been paid compensation of the acquired land in dispute. So far as the Rehabilitation and Resettlement amount is concerned, he submitted that the petitioners were apparently dependent upon their step father at the time of publication of the notification under Section 20A of the Act, 1989 and they could be considered as one project affected family only and the payment for the rehabilitation and resettlement had already been made in the past to their step father, who is a member of the project affected family and as such, the petitioners are not entitled for any other separate rehabilitation and resettlement compensation.

20. Shri Fuzail Ahmad Ansari had drawn attention to the object of the RFCT-LARR Act, 2013, which interalia provides as under:

> "An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and **provide just and fair compensation to the affected families whose land has been acquired** or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in

development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto."

(emphasis supplied)

21. Shri Fuzail Ahmad, learned Standing Counsel submitted that Section 3 (c) of the RFCT-LARR Act, 2013 defines "affected family" which includes (i) a family whose land or other immovable property has been acquired and (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land. He had also placed reliance on the definition of "family" in Section 3 (m) of the RFCT-LARR Act, 2013.

22. Shri Fuzail Ahmad further submitted that Second Schedule under Sections 31 (1), 38 (1) and 105 (3) of the RFCT-LARR Act, 2013 talks about the elements of rehabilitation and resettlement entitlements for all the affected families including both land owners and the families whose livelihood is primary dependent on land acquired in addition to those provided in the First Schedule. When the definitions of "affected family" and "family" defined under Section 3 (c) and 3 (m) of the RFCT-LARR Act, 2013 are sought to be understood in the light of the heading of Second Schedule, it transpires that the petitioners do not come under the Second Schedule inasmuch as they stood included in the family of Anil Kumar by virtue of their mother, who had remarried him when the petitioners were minors and hence, their individual existence as an "affected family" cannot come under the purview of the Second Schedule. He submitted that the petitioners' mother remarried Anil Kumar and started living in his household. The family of Anil Kumar had already received the rehabilitation and resettlement benefits and as such, no separate benefits can be conferred to the petitioners. He submitted that the right of the petitioners through succession still exists and cannot be denied under the Hindu law as they still inherit 1/3rd share of Sunil Kumar. Admittedly, the compensation of land has already been

given to them. He further submitted that rehabilitation and resettlement benefits under the RFCT-LARR Act, 2013 is not purely provided on the basis of ownership but it is accorded to the displaced family. The instant writ petition is wholly devoid of merits and is liable to be dismissed by this Court.

23. In support of his submission, learned Standing Counsel placed reliance on a recent judgement of Hon'ble Supreme Court rendered on 14.07.2025 in the case of **Estate Officer, Haryana Urban Development Authority and ors vs. Nirmal Devi**, wherein the Apex Court has held in paragraph-84 that the acquisition of land does not violate any constitutional/ fundamental right of the displaced persons. However, they are entitled to resettlement and rehabilitation as per the policy framed for the oustees of the project concerned. Relevant paragraph-95 of the judgement is reproduced hereinunder:-

> "95. We summarise our final conclusion and dispose of all the appeals with the following directions:
>
> (i) The respondents are not entitled to claim as a matter of legal right relying on the decision of Brij Mohan (supra) that they should be allotted plots as oustees only at the price as determined in the 1992 policy.
>
> (ii) The respondents are entitled at the most to seek the benefit of the 2016 policy for the purpose of allotment of plots as oustees.
>
> (iii) We grant four weeks time to all the respondents herein to prefer an appropriate online application with deposit of the requisite amount in accordance with the policy of 2016. If within a period of four weeks any of the respondents herein prefer any online application in accordance with the scheme of 2016 then in such circumstances the authority concerned shall look into the applications and process the same in accordance with the scheme of 2016. We clarify that it will be up to the authority to look into whether the respondents are otherwise eligible for the allotment of plots or not.
>
> (iv) We make it clear that there shall not be any further extension of time for the purpose of applying online with deposit of the requisite amount.
>
> (v) We understand that some of the respondents may be very rustic and illiterate and may not be in a position to apply online, in such circumstances we permit them to apply by preferring an appropriate application or otherwise addressed to the competent authority with deposit of the requisite amount.
>
> (vi) We make it clear that the entire exercise shall be completed within a period of eight weeks from the date of the receipt of the online application that may be filed by the respondents.

> (vii) The State of Haryana as well as HUDA shall ensure that land grabbers or any other miscreants may not form a cartel and try to take undue advantage of the allotment of plots. At the end it should not happen that unscrupulous elements ultimately derive any benefit or advantage from allotment of land to the oustees. In this regard the State and HUDA will have to remain very vigilant.
>
> (viii) We believe that since the allotment of plot is with a laudable object and not for any monetary gain, a condition should be imposed at the time of allotment that the allotee shall not be entitled to transfer the plot to any third party without the permission of the competent authority and in any case not within five years from the date of the allotment.
>
> (ix) This litigation is an eye opener for all States in this country. If land is required for any public purpose law permits the Government or any instrumentality of Government to acquire in accordance with the provisions of the Land Acquisition Act or any other State Act enacted for the purpose of acquisition. When land is acquired for any public purpose the person whose land is taken away is entitled to appropriate compensation in accordance with the settled principles of law. It is only in the rarest of the rare case that the Government may consider floating any scheme for rehabilitation of the displaced persons over and above paying them compensation in terms of money. At times the State Government with a view to appease its subjects float unnecessary schemes and ultimately land up in difficulties. It would unnecessarily give rise to number of litigations. The classic example is the one at hand. What we would like to convey is that it is not necessary that in all cases over and above compensation in terms of money, rehabilitation of the property owners is a must. Any beneficial measures taken by the Government should be guided only by humanitarian considerations of fairness and equity towards the landowners.
>
> (x) **Ordinarily, rehabilitation should only be meant for those persons who have been rendered destitute because of loss of residence or livelihood as a consequence of land acquisition. In other words, for people whose lives and livelihood are intrinsically connected to the land.**
>
> (xi) **We have made ourselves very explicitly clear that in cases of land acquisition the plea of deprivation of right to livelihood under Article 21 of the Constitution is unsustainable**."
>
> (emphasis supplied)

ANALYSIS BY THE COURT

24. We have heard learned counsels appearing for the parties and perused the documents and the counter affidavit filed by Shri Pranjal Mehrotra, Advocate on behalf of the DFCCIL.

25. In order to appreciate the rival arguments advanced by the parties, this Court deems it appropriate to consider firstly Section 3 (c) & (m) of

the RFCT-LARR Act, 2013, which precisely deals with the definition of "affected family" and "family" respectively and Section 31 of the RFCT-LARR Act, 2013. It is also relevant to consider the Rehabilitation and Resettlement in view of Chapter IV and V in the First Schedule (See Section 30 (2) Compensation for Land Owners) and Second Schedule (See Sections 31 (1), 38 (1) and 105 (3)).

26. For ready reference, Section 3 (c), 3 (m) and Section 31 of the RFCT-LARR Act, 2013 are reproduced herein under:-

> "(c)"affected family" includes-
>
> (i) a family whose land or other immovable property has been acquired;
>
> (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area **for three years prior** to the acquisition of the land, **whose primary source of livelihood** stand affected by the acquisition of land;.
>
> ….
>
> …..
>
> (m) **"family"** includes **a person**, his or her spouse, minor children, minor brothers and minor sisters **dependent on him**:
>
> Provided that widows, divorcees and women deserted by families shall be considered separate families; Explanation.-An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act."
>
> (Emphasis supplied)
>
> "31. **Rehabilitation and Resettlement Award for affected families by Collector**.
>
> (1). The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.
> (2). The Rehabilitation and Resettlement Award shall include all of the following, namely:-
> (a) rehabilitation and resettlement amount payable to **the family**;
> (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
> (c) particulars of house site and house to be allotted, in case of displaced families;
> (d) particulars of land allotted to the displaced families;
> (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
> (f) particulars of payment for cattle shed and petty shops;
> (g) particulars of one-time amount to artisans and small traders;
> (h) details of mandatory employment to be provided to the members of the affected families;
> (i) particulars of any fishing rights that may be involved;
> (j) particulars of annuity and other entitlements to be provided;

(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:
Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":
Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.”

27. In the light of the definition of “affected family” and “family” in Section 3 (c) and 3 (m), it is clear that at the time of notification under Section 20A of the Act, 1989 dated 16.01.2015, the petitioners being minor stood included in the family of Anil Kumar (step father), when their mother remarried to him. If she would have not remarried and stood the status of widow, then certainly the petitioners alongwith their mother constitute a separate family unit different from Anil Kumar (uncle/step father). Even though in the instant matter, it is admitted position that the petitioners were accorded compensation under the First Schedule and qua the Second Schedule, admittedly as project affected family, Anil Kumar (uncle/step father) was accorded compensation.

28. The First and Second Schedules of the RFCT-LARR Act, 2013 are reproduced herein under:-.

“THE FIRST SCHEDULE

(See Section 30 (2))

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of Section 3 in a proportion to be decided by the appropriate Government.

Serial number	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
1	2	3	4
1	Market value of land	To be determined as provided under Section 26.	
2	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government	
3	Factor by which the market value is to be multiplied in the case of urban area	1 (One)	
4	Value of assets attached to	To be determined as provided	

	land or building	under Section 30	
5	Solatium	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8	Other component, if any, to be included		

Note.- The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

The First Schedule provides for minimum compensation package to be given to those whose land is acquired on this date of the commencement of the proposed legislation.

THE SECOND SCHEDULE

(See Sections 31 (1), 38 (1) and 105 (3))

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
1	2	3	4
1	Provision of housing units in case of displacement	(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area. (2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area	

		continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area: Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees: Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house: Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act. Explanation.–The houses in urban area may, if necessary, be provided in multi-storied building complexes	
2	Land for Land	In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.	
3	Offer for Developed Land	In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development: Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.	
4	Choice of Annuity or Employment	The appropriate Government shall ensure that the affected families are provided with the following options: (a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) one time payment of five lakhs rupees	

		per affected family; or (c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.	
5	Subsistence grant for displaced families for a period of one year	Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.	
6	Transportation cost for displaced families	Each affected family which is displaced shall get a onetime financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.	
7	Cattle shed/Petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	
9	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government	
10	One-time Resettlement Allowance	Each affected family shall be given a one-time ―Resettlement Allowance‖ of fifty thousand rupees only.	
11	Stamp duty and registration fee	(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted to the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of	

		wife and husband of the affected family.	

The Second Schedule provides for the element of rehabilitation and resettlement entitlement for all the affected families in addition to those provided in the First Schedule ."

29. In the instant matter, in view of the aforementioned two Schedules, we find that two types of awards under the RFCT-LARR Act, 2013 are there. The first type of award deals with the matter, which is accorded under Chapter IV and detailed procedures are enshrined under Sections 26 to 30 of the RFCT-LARR Act, 2013. The second type of the award is enshrined under Chapter-V of the RFCT-LARR Act, 2013, which deals with the rehabilitation and resettlement award. This Chapter provides the manner in which the award should be determined by the Collector. Chapter VI deals with the procedure and manner of rehabilitation and resettlement. Therefore, it is clear from the scheme of the RFCT-LARR Act, 2013, that the issue with regard to rehabilitation and resettlement is an independent consideration, which has nothing to do with the compensation paid to the land owner towards the acquisition of the land under Chapter-V.

30. In the instant matter, there is no dispute qua the First Schedule as admittedly, the benefit had been extended to the land owners. The dispute is only with regard to the Second Schedule, which deals with elements of rehabilitation and resettlement entitlements for all the affected families (both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the First Schedule. The first clause deals with the provision of housing units in case of displacement. For entitlement the eligibility category is also divided in two sub-categories, namely (1) if a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area and (2) the benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years

preceding the date of notification of the affected area and which has been involuntarily displaced from such area. The second clause provides for land for land and third clause provides offer for developed land. The fourth clause provides choice of annuity. The fifth clause also provides the subsistence grant for displaced families for a period of one year. The tenth clause deals with one time resettlement allowance and each affected family would be entitled one time resettlement allowance of Rs.50,000/-.

31. As the instance matter relates to DFC, much emphasis has been placed by learned counsel for the petitioners on clause (4) of the Second Schedule i.e. choice of annuity or employment and accordingly, the benefit of Rs.5,00,000/- had been prayed for treating the petitioners as affected family qua their entitlement.

32. It is also relevant that once the petitioners stood included in the family of Anil Kumar, they will definitely constitute one project affected family. Before us, nothing has been brought on record to show that even as land owners, as per Khatauni, the livelihood of the petitioners was primarily dependent upon the land acquired.

33. It is also admitted case that the petitioners had received the compensation under the First Schedule. The counsel for the DFCCIL had filed detailed counter affidavit in which the nature of project being linear has been emphasized. The petitioners have chosen not to file any rejoinder affidavit to the counter affidavit filed by the DFCCIL, as recorded in the order dated 14.07.2025 and thus, the averments of the DFCCIL regarding the linear project, the entire holding of the petitioners not being acquired and the petitioners not being affected as a unit, has remained un-rebutted. Thus, the requirement qua their livelihood being primarily dependent upon the land acquired as per Section 31 (1) of the RFCT-LARR Act, 2013 remained unfulfilled by the petitioners. The Court cannot rule anything in favour of the petitioners without there being any pleadings and averments on the record.

34. Under the RFCT-LARR Act, 2013, there is a provision under Resettlement and Rehabilitation in the Second Schedule that in case the land is acquired for public purposes, twenty per cent of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development. In cases, the land owning project affected family wishes to avail of this offer; an equivalent amount will be deducted from the land acquisition compensation package payable to it. The framers have consciously provided two types of awards, one is to be passed under Chapter-IV by following the detailed procedure prescribed therein under Sections 26 to 30 of the RFCT-LARR Act, 2013. The second type of the award comes under Chapter-V of the RFCT-LARR Act, 2013 and it has an independent provision, which contemplates the award for rehabilitation and resettlement. Chapter VI deals with the procedure and the manner of the rehabilitation and resettlement. The issue with regard to rehabilitation and resettlement is an independent consideration, which has nothing to do with the compensation paid to the land owner towards the acquisition of the land.

35. In the instant matter, there is no quarrel towards the award under Chapter IV. The second award contemplates under Chapter-V of the RFCT-LARR Act, 2013, wherein exhaustive procedure is given for rehabilitation and resettlement of the family, in case they are unsettled/uprooted from their holdings under Chapter-V, which requires an independent consideration. It has no direct relation with the compensation award under Chapter-IV as the same is an independent exercise. Chapter-V of the RFCT-LARR Act, 2013 deals with the award of rehabilitation and resettlement. The dependency of the petitioners was shifted to the uncle of the petitioners, who became their step father. For rehabilitation and resettlement, the prime consideration is to give weightage to the ***affected family*** and in the present case, only the guardianship has been changed. The biological father died and the dependency has been shifted to the step father. In such situation, it

cannot be presumed that there was no dependency upon the step father and the minor petitioners were to be treated as independent affected family.

36. Even if, the argument of the learned counsel for the petitioners is accepted that in case the mother of the petitioners married to some other person, in that situation the petitioners cannot ask for rehabilitation and resettlement and the head of the family would be step father. In case their holdings is not affected, or it is not subject matter of acquisition, then there was no question of rehabilitation and resettlement as the affected family headed by the step father had never been uprooted. Definitely in another such situation when the widow was not re-married; she would be entitled for rehabilitation and resettlement award as she would have an independent status under the definition of Section 3 (m), which also provided that widows, divorcees and women deserted by families shall be considered separate families. As the petitioners were minors, the status of their mother was changed and the dependency of petitioners automatically fell upon the shoulders of the step father (real uncle of the petitioners).

37. In the instant matter, the grievance of the petitioners is confined only to the extent of their entitlement under the RFCT-LARR Act, 2013 for rehabilitation and resettlement as they claim to be affected family. Section 3 (c) and 3 (m) of the RFCT-LARR Act, 2013, as quoted above, deal with the “affected family” and “family”. The definition of “family” is provided under Section 3 (m) and proviso also deals with the situation, wherein widows, divorcees and women deserted by families shall be considered separate families.

38. What we gathered from the record is that the petitioners’ father namely Sunil Kumar was having only 1/4th share in the acquired land of Khasra No.690/3. He died in the year 2003 leaving behind his widow Smt. Savita and the petitioners (minor children). Later on, as the mother of the petitioners re-married to Anil Kumar, who was real uncle of the petitioners. It is also claimed that the petitioners were left in the custody of their grand parents for up-bringing and nurturing. As the notification

under Section 20A of the Act, 1989 was issued on 16.01.2015 by the Ministry of Railways, notifying its intention to acquire the land specified in the notification including the petitioners' land Khasra No.690/3 for public purpose of construction of DFC, which was also published in the daily newspapers on 03.03.2015. Later on, the declaration under Section 20-E of the Act, 1989 was issued on 21.12.2015 and duly published in the newspapers on 15.01.2016. Finally, the Competent Authority had determined the amount payable as compensation under Section 20F of the Act, 1989 and declared the awards on 30.07.2016 and thereafter on 26.12.2017 under Section 30 of the Act, 1989.

39. The bone of contention in the instant *lis* is only to the extent whether at the time of according compensation the petitioners would fall independently under the definition of Section 3 (m) of the RFCT-LARR Act, 2013 as "family" and they are also entitled to be treated as separate unit in terms of Section 31 of the RFCT-LARR Act, 2013, which deals with the rehabilitation and resettlement award for affected families by the Collector. Nothing is brought on record to indicate that at the time of declaration of the awards on 30.07.2016 and 26.12.2017, the petitioners had attained majority to constitute an independent status to be treated as separate family. No such claim had been set up before us to indicate that at the time of declaration of the awards the petitioners have attained majority. Contrarily, at the time of death of father of the petitioners in the year 2003, the petitioners were minor and their mother Smt. Savita had married to her brother-in-law (Devar).

40. The dispute is to the very limited extent that the petitioners being as minors, may also be treated as separate unit of the family under the definition of Section 3 (m) of the RFCT-LARR Act, 2013. Section 3 (m) clearly provides the definition of "family", which includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Second Schedule of the RFCT-LARR Act, 2013 talks about the elements of rehabilitation and resettlement entitlements for all the affected families. When the definitions of "affected family" and "family" defined under Section 3 (c) and 3 (m) of the RFCT-LARR Act,

2013 are read together in the light of the heading of Second Schedule, it transpires that the petitioners do not come under the Second Schedule and they stood included in the family of Anil Kumar by virtue of their mother, who had remarried him when the petitioners were minors. The petitioners still inherit 1/3rd share of Sunil Kumar and admittedly, the compensation of land has already been given to them.

41. In the instant matter, initially, the dependency of the petitioners was on his father Sunil Kumar. He died in the year 2003, leaving behind his widow and minor children and the acquisition took place in the year 2015. Since the demise of their father, the dependency had been shifted towards their step father at least for 12 years. Even for the sake of argument, if it is pressed before us that at the time of publication of notification on 16.01.2015 under Section 20-A of the Act, 1989, the petitioners constituted separate family. Even at the said juncture, it is not pressed before us to suggest that the petitioners had attained majority and were entitled to be treated as separate unit under the head of definition of "family". The dependency of minor remains on the shoulders of their step father and the award was made in the year 2016 under Section 30 of the RFCT-LARR Act, 2013. Admittedly, the said amount had been quantified and had been paid to the head of the family (step father). The instant writ petition is only preferred for direction commanding the respondents to declare an award under Section 31 of the RFCT-LARR Act, 2013 towards rehabilitation and resettlement. For rehabilitation and resettlement, the decisive factor is "family" till passing the award under Section 30 of the RFCT-LARR Act, 2013. The petitioners have utterly failed to substantiate that they were having separate entity, which could be presumed to be a family. The family was of his step father, mother and minor children.

42. In the case of **Special Land Acquisition Officer vs. Karigowda and others**[6] Hon'ble Apex Court has observed as under:-

> "22. At the cost of some repetition, we may notice that the provisions of Sections 23 and 24 of the Act have been enacted by the Legislature with certain objects in mind. The intention of the Legislature is an important factor

6. AIR 2010 SC 2322

> in relation to interpretation of statutes. The statute law and the case law go side by side and quite often the relationship between them is supplementary. In other words, interpretation is guided by the spirit of the enactment. Interpretation can be literal or functional. Literal interpretation would not look beyond litera legis, while functional interpretation may make some deviation to the letter of the law. Unless, the law is logically defective and suffers from conceptual and inherent ambiguity, it should be given its literal meaning. Where the law suffers from ambiguity, it is said "interpretation must depend upon the text and context. They are the basis of the interpretation. One may well say that if the text is the texture, context is what gives it colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the context. A statute is best interpreted when we know why it was enacted."

43. We find that in the instant matter, the authority had already passed the separate award qua First Schedule and towards the rehabilitation and resettlement they have treated the petitioners, their mother and step-father as one unit. Accordingly, the compensation had been paid to the petitioners being as minors at the time of declaration of the awards on 30.07.2016 and 26.12.2016. So far as the rehabilitation and resettlement award under the Second Schedule is concerned, we find that the entire claim has been set up precisely on the ground that after the demise of their father, the mother re-married and the grand-father had nurtured the minors. Therefore, they are to be treated as separate unit. In the light of the above discussion, the said argument is totally devoid of merit and accordingly, the same stands rejected.

44. Accordingly, the writ petition is **dismissed**.

(Hon. Anish Kumar Gupta) (Hon. Mahesh Chandra Tripathi)

Order date : 15.10.2025
RKP