



2025:CGHC:60887-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 829 of 2025**

Adani Power Limited, Through Its Authorised Signatory/ Representative Having Registered Office At Adani Corporate House, Shantigram, Near Vishno Devi Circle, S.G. Highway, Khodiyar, Ahmadabad, Gujarat Through Its Authorized Signatory Dhananjay Kumar Singh, S/o Chandeshwar Prasad Singh, Aged 49 Years, Authorized Signatory Of The Adani Power Limited, R/o Raj Niwas, 57, Rukmani Vihar, Kotra Road, Raigarh Chhattisgarh (Respondent No. 6)

--- Appellant(s)**versus**

1. Panchanand Gupta S/o Late Laikhan Gupta Aged About 51 Years Occupation - Agriculture, R/o Village - Badebhandar, Tahsil - Pussaur, District - Raigarh Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, Raipur Chhattisgarh (Respondent No. 1)
3. Collector Raigarh-Cum-Ex-Officio Joint Secretary Department Of Revenue, Government Of Chhattisgarh, Raigarh Chhattisgarh (Respondent No. 2)
4. General Manager District Trade And Industries Centre, Raigarh Chhattisgarh (Respondent No. 3)
5. Sub-Divisional Officer-Cum-Land Acquisition Officer Raigarh Chhattisgarh (Respondent No. 4)

6. Gram Panchayat Badebhandar, Tahsil - Pussaur, District Raigarh Chhattisgarh (Respondent No. 5)
7. Chhattisgarh State Industrial Development Corporation Through Its Managing Director, Pandari, Raipur Chhattisgarh (Respondent No. 7)

--- Respondent(s)

WA No. 948 of 2025

1. State of Chhattisgarh Through The Secretary, Department of Revenue, D.K.S. Bhawan, Raipur, Chhattisgarh.(Present Address- Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh
2. Collector Raigarh-Cum-Ex-Officio Joint Secretary, Department Of Revenue, Government Of Chhattisgarh, Raigarh
3. General Manager District Trade And Industries Center, Raigarh, Chhattisgarh.
4. Sub-Divisional Officer-Cum-Land Acquisition Officer Raigarh, Chhattisgarh.

---Petitioner(s)

Versus

1. Panchanand Gupta S/o Late Laikhan Gupta Aged About 51 Years Occupation Agriculture, R/o Village Badebhandar, Tahsil Pussaur, District- Raigarh, Chhattisgarh.
2. Smt. Shashumukhi (Died And Deleted) Nil
3. Gram Panchayat Badebhandar, Tahsil Pussaur, District- Raigarh, Chhattisgarh.
4. Adani Power Limited Through Its Authorised Signatory / Representative Having Office At Tilda Simga Road Rairkheda Tilda District - Raipur Having Registered Office At Adani Corporate House Shantigram Near Vishno Devi Circle S.G. Highway Khodiyar Ahmadabad Gujrat 382421 India

5. Chhattisgarh State Industrial Development Corporation Through Its Managing Director, Pandari, Raipur, Chhattisgarh.

--- Respondent(s)

WA No. 881 of 2025

1. Chhattisgarh State Industrial Development Corporation Ltd., (A Government Of Chhattisgarh Undertaking) Through Its Managing Director, Udyog Bhawan, Ring Road No. 1, Raipur, Chhattisgarh-492006

---Appellant(s)

Versus

1. Panchanand Gupta S/o Late Laikhan Gupta Aged About 51 Years Occupation Agriculture, R/o Village Badebhandar, Tahsil Pussaur, District- Raigarh, Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue, D.K.S. Bhawan, Raipur, Chhattisgarh, Current Address- Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Collector Raigarh-Cum-Ex-Officio Joint Secretary, Department Of Revenue, Government Of Chhattisgarh, Raigarh, Chhattisgarh
4. General Manager District- Trade And Industries Centre, Raigarh, Chhattisgarh.
5. Sub-Divisional Officer-Cum-Land Acquisition Officer Raigarh, Chhattisgarh.
6. Gram Panchayat Badebhandar, Tahsil Pussaur, District- Raigarh, Chhattisgarh.
7. Adani Power Limited Through Its Authroised Signatory / Representative Having Office At Tilda Simga Road Rairkheda Tilda District - Raipur Having Registered Office At Adani Corporate House Shantigram Near Vishno Devi Circle S.G. Highway Khodiyar Ahmadabad Gujrat 382421 India (As Per Honble Court Order Dated 05-02-2025)

---Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Rajeev Shrivastava, Senior Advocate, assisted by Ms. Sakshi Chhabra, Advocate in WA No. 829 of 2025 and Mr. Prafull N. Bharat, Senior Advocate, Assisted by Mr. Kashif Shakeel, Advocate in WA No. 891 of 2025 & WA No. 948 of 2025 and Mr. Praveen Das, Deputy Advocate General, in WA No. 948 of 2025.
For Respondent No. 1	:	Mr. Alok Bakshi, Advocate in WA No. 829 of 2025, WA No. 948 of 2025 & WA No. 891 of 2025.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

15.12.2025

1. Since all the writ appeals arise out of the same impugned order dated 14.08.2025 passed in WPC No. 5918 of 2010, they were clubbed together, heard analogously, and are being disposed of by this common judgment.

2. We have heard Mr. Prafull N. Bharat, learned Senior Advocate, assisted by Mr. Kashif Shakeel, learned counsel, appearing for the appellant in WA No. 891 of 2025 and for respondent No. 5 in WA No. 948 of 2025; Mr. Praveen Das, learned Deputy Advocate General, appearing for the appellant/State in WA No. 948 of 2025 and for the respondent/State in WA Nos. 829 of 2025 and 948 of 2025; and Mr. Alok Bakshi, learned counsel, appearing for respondent No. 1 in all the appeals, on I.A. No. 2 of 2025 (in WA No. 948 of 2025) and I.A. No. 1 of

2025 (in WA No. 881 of 2025), which are applications seeking condonation of delay.

3. Upon hearing the learned counsel for the parties and upon perusal of the reasons stated in the applications for condonation of delay, we are of the considered view that sufficient cause has been shown. Accordingly, I.A. No. 2 of 2025 (in WA No. 948 of 2025) and I.A. No. 1 of 2025 (in WA No. 881 of 2025) are allowed, and the delay of 60 days in filing WA No. 948 of 2025 and 10 days in filing WA No. 881 of 2025 is hereby condoned.

4. Mr. Rajeev Shrivastava, learned Senior Advocate, assisted by Ms. Sakshi Chhabra, learned counsel appearing for the appellant in WA No. 829 of 2025, submits that due to an inadvertent mistake, the application for condonation of delay could not be filed along with the appeal.

5. From the office note, it is evident that WA No. 829 of 2025 is listed today for orders on default, as the appeal is barred by 08 days and no application for condonation of delay has been filed. However, it is also noticed that another appeal, being WA No. 871 of 2025, has been filed by the same appellant. In the peculiar facts and circumstances of the case, we overrule the objection raised by the Registry and condone the delay of 08 days in filing WA No. 829 of 2025.

6. Learned Senior Advocate appearing for the appellant in WA No. 829 of 2025 submits that a notification under Section 4(1) of the Land

Acquisition Act, 1894 (for short, “the Act of 1894”) was issued by the State Government of Chhattisgarh on 03.07.2010 for acquisition of land situated at Village Badebhandar, Patwari Halka No. 39, R.I. Circle Pusaur, Tahsil Pusaur, District Raigarh, for a duly declared public purpose. The notification unequivocally recorded the necessity of the land for industrial development in furtherance of the State’s industrial policy. In accordance with statutory requirements, the General Manager, District Trade and Industrial Centre, Raigarh (respondent No. 4) was duly authorised to exercise powers under Section 4(2) of the Act of 1894 for undertaking preliminary actions. It is further submitted that respondent No. 1/writ petitioner never raised any objection to the acquisition of land as such and, in fact, accepted the public purpose underlying the acquisition. Under the guise of objections, respondent No. 1 raised demands confined exclusively to the rate of compensation, employment to a family member, health safeguards and environmental protection measures, none of which pertained to the legality or necessity of acquisition.

7. It is further contended that the issues raised by respondent No. 1 were clearly beyond the scope of Section 5A of the Act of 1894, as the said provision contemplates objections only to the acquisition of land. Nevertheless, the Land Acquisition Officer acted fairly and responsibly by referring the demands raised by respondent No. 1 to the authority empowered under Section 4(2) of the Act of 1894. The competent authority examined the demands and clarified that compensation, rehabilitation benefits and other facilities would be extended strictly in

accordance with the prevailing Rehabilitation Policy, 2007 of the State of Chhattisgarh. Thereafter, on 26.08.2010, the Land Acquisition Officer passed an order addressing and clarifying the demands raised by respondent No. 1. The said order did not reject any objection relating to acquisition; it merely dealt with compensation-related concerns. Upon completion of statutory formalities, the declaration under Section 6 of the Act of 1894 was duly published in the Official Gazette on 01.10.2010.

8. Learned Senior Advocate submits that respondent No. 1, being aggrieved, challenged the notifications issued under Sections 4(1) and 6 of the Act of 1894 by filing a writ petition, which remained pending for a considerable period. During its pendency, the Land Acquisition Officer conducted the statutory enquiry and passed the final award on 14.01.2011 after affording respondent No. 1 a full and effective opportunity of hearing. Even at this stage, respondent No. 1 reiterated objections only with regard to the quantum of compensation, which were duly examined before passing the award. Despite the undisputed fact that the objections raised were outside the ambit of Section 5A of the Act of 1894 and had already been considered at appropriate stages, the learned Single Judge, by order dated 14.08.2025, set aside the award solely on the ground that respondent No. 1's objections were allegedly rejected on 26.08.2010 without strict compliance with Section 5A(1). This finding, it is submitted, is contrary to the record and the statutory scheme of the Act of 1894.

9. It is urged that respondent No. 1 never objected to the acquisition of land; his grievance pertained only to the amount of compensation. Such grievance is required to be addressed under Sections 11 and 18 of the Act of 1894, which provide for determination of compensation and reference to the Civil Court, respectively. A plain reading of Section 5A makes it clear that objections thereunder relate only to the acquisition of land. In the absence of any objection to acquisition, the provisions of Section 5A were not attracted. The learned Single Judge thus erred in quashing the notification under Section 6, the order dated 26.08.2010 and the award dated 14.01.2011, particularly when respondent No. 1 had an efficacious alternative remedy under the Act.

10. It is further submitted that the land in question, admeasuring 1.417 hectares, was acquired for a public/industrial purpose and the project has been operational since 2013 after substantial investment and development. The project has served public interest by generating electricity, employment and regional development. The acquisition was undertaken pursuant to valid agreements and State policies to facilitate private investment in power generation. The land continues to vest in the State, having been leased for a specific public purpose. The judgments relied upon by the learned Single Judge, including *Union of India v. Shiv Raj*, (2014) 6 SCC 564; *Kedar Nath Yadav v. State of W.B.*, (2017) 11 SCC 601; and *Haryana Urban Development Authority v. Abhishek Gupta*, 2024 SCC OnLine SC 2991, are distinguishable on facts and inapplicable, as none deal with objections confined solely to compensation without challenging acquisition.

11. Learned Senior Advocate appearing for the appellant in WA No. 881 of 2025 submits that Chhattisgarh State Industrial Development Corporation Limited (CSIDC) is a State Government undertaking entrusted with promoting and facilitating industrial development in Chhattisgarh. CSIDC was the beneficiary agency for whose purpose the subject land was acquired. Respondent No. 1 and his mother, Late Smt. Shashumukhi, were owners of land bearing Khasra Nos. 230/1, 372, 373/2B, 375 and 376, admeasuring 1.417 hectares, situated at Village Bade Bhandar, Tehsil Pusaur, District Raigarh.

12. It is submitted that under the Industrial Policy 2009–2014, the State resolved to develop Chhattisgarh as a “Power Hub.” Pursuant thereto, District Raigarh was identified as a suitable area for thermal power generation. In-principle approval for acquisition was granted on 27.10.2009 and a notification under Section 4 of the Act of 1894 was issued on 03.07.2010. Respondent No. 1 submitted objections under Section 5A on 02.08.2010, which were duly considered by the SDO-cum-Land Acquisition Officer exercising delegated powers. After recording observations on 26.08.2010, recommendations were forwarded to the Collector, who approved issuance of the declaration under Section 6, published on 03.09.2010.

13. It is further submitted that during pendency of the writ petition, CSIDC deposited the compensation amount on 09.12.2010. The final award was passed on 14.01.2011 and possession was taken and handed over to CSIDC, which thereafter leased the land to the project

proponent, Korba West Power Company Limited (now Adani Power Limited). Although development on the subject land was kept in abeyance due to interim orders, the project on adjoining lands proceeded strictly in accordance with law.

14. Learned Senior Advocate submits that the power project has been operational for nearly fifteen years, involving investment of several thousand crores and generating large-scale employment. Out of numerous landowners, only respondent No. 1 and his family members challenged the acquisition. Reliance is placed on *New Okhla Industrial Development Authority v. Darshan Lal Bohra*, 2024 SCC OnLine SC 1690, wherein the Hon'ble Supreme Court held that where acquisition proceedings have substantially attained finality and large public projects have been developed, the clock ought not to be turned back even if a few landowners allege procedural lapses.

15. Learned Deputy Advocate General appearing for the State in WA No. 948 of 2025 submits that the writ petitioners challenged the notifications under Sections 4(1) and 6 of the Act of 1894 and the order dated 26.07.2010 passed by the SDO (Revenue), primarily alleging non-compliance with Section 5A(2) of the Act. It is submitted that by notifications dated 06.03.1987 and 03.09.2003, the powers of the Collector, including the power to hear objections under Section 5A(2), were delegated to the SDO (Revenue), and the powers of the "appropriate Government" were conferred upon the Collector. These notifications were never challenged by respondent No. 1.

16. The objections were duly heard by the SDO (Revenue), acting under delegated authority, and recommendations were forwarded to the Collector, who approved issuance of the declaration under Section 6. The learned Single Judge acknowledged the existence and applicability of the said notifications. Notwithstanding the above, the learned Single Judge allowed the writ petition on the premise that objections under Section 5A(2) were not considered strictly in accordance with law. It is submitted that the power to conduct “further inquiry” under Section 5A(2) is discretionary. In the present case, objections were heard, considered and forwarded, amounting to full compliance with the statutory scheme.

17. It is further pointed out that the acquisition involved 214 khasra numbers admeasuring 28.785 hectares affecting around 40 landowners, out of whom only respondent No. 1 and one other person approached the Court. The learned Single Judge himself clarified that the acquisition and award concerning the remaining landowners would remain undisturbed. Being aggrieved by the impugned order dated 14.08.2025, the appellants have preferred the present writ appeals.

18. Learned counsel appearing for respondent No. 1 supports the impugned judgment dated 14.08.2025 and submits that the learned Single Judge has rightly held that the mandatory procedure prescribed under Section 5A of the Act of 1894 was not followed in its true letter and spirit.

19. It is contended that respondent No. 1 did file objections pursuant

to the notification under Section 4(1), and the same could not be summarily dealt with by the SDO (Revenue) without conducting a meaningful and effective enquiry as contemplated under Section 5A(2). The statutory right conferred upon a landowner under Section 5A is a valuable and substantive right, the denial of which vitiates the entire acquisition proceedings.

20. Learned counsel submits that the order dated 26.08.2010 demonstrates non-application of mind, inasmuch as the objections were neither properly analysed nor were any reasoned recommendations made to the appropriate Government. The Collector merely acted as a rubber stamp while issuing the declaration under Section 6 of the Act of 1894.

21. We have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.

22. At the outset, it must be emphasised that the right under Section 5A of the Land Acquisition Act, 1894, though substantive, is not unbridled. Section 5A(1) enables a person interested to object to the *acquisition of land*. The provision does not contemplate adjudication of claims relating to the quantum of compensation, rehabilitation benefits, employment, environmental safeguards or other ancillary demands, which are governed by distinct provisions of the Act or by independent statutory or policy regimes.

23. A careful reading of the objections dated 02.08.2010 filed by

respondent No. 1 leaves no manner of doubt that there was no objection whatsoever to the public purpose, the necessity of acquisition, the suitability of the land, or the competence of the acquiring authority. The acquisition for industrial development, undertaken in furtherance of the State's declared policy, was never questioned. The objections were confined exclusively to the rate of compensation, demand for employment to a family member, pollution control and environmental safeguards, and certain allied welfare measures.

24. Objections of this nature do not strike at the root of acquisition. They are collateral demands which, even if otherwise legitimate, fall outside the scope of Section 5A and are required to be addressed either at the stage of determination of compensation under Section 11, by seeking a reference under Section 18, or under the applicable rehabilitation or environmental frameworks.

25. Viewed thus, the submission of the appellants that Section 5A was not meaningfully invoked at all, inasmuch as there was no objection to acquisition *per se*, carries considerable force. Where a landowner accepts acquisition, but disputes compensation alone, the statutory scheme consciously provides a complete and efficacious remedy under Sections 11 and 18 of the Act of 1894.

26. The learned Single Judge, in our respectful view, erred in proceeding on the assumption that the mere filing of objections styled under Section 5A automatically attracts the full rigour of that provision,

irrespective of their substance. It is well settled that the nature and contents of the objections, and not their nomenclature, are determinative. In the present case, the objections were received within time; respondent No. 1 was afforded an opportunity of hearing by the Sub-Divisional Officer (Revenue), who was duly empowered under the notifications dated 06.03.1987 and 03.09.2003; and the objections were considered in the light of inputs furnished by the District Trade and Industries Centre, with a clarification that compensation and allied benefits would be governed strictly by the statutory provisions and the Rehabilitation Policy, 2007. The expression “*after making such further inquiry, if any, as he thinks necessary*” occurring in Section 5A(2) is discretionary and enabling, not mandatory in every case. Where objections do not question acquisition itself but raise issues beyond the statutory remit of Section 5A, the absence of a detailed inquiry or elaborate recommendations does not vitiate the proceedings. The criticism that the Land Acquisition Officer “decided” the objections, instead of making recommendations, must be appreciated in this context, for in the absence of any substantive objection to acquisition, no recommendation for acceptance or rejection of acquisition *per se* arose.

27. The reliance placed by the learned Single Judge on ***Munshi Singh v. Union of India (1973) 2 SCC 337; Surinder Singh Brar v. Union of India (2013) 1 SCC 403; Union of India v. Shiv Raj (2014) 6 SCC 564; Kedar Nath Yadav v. State of West Bengal (2017) 11 SCC 601; and Haryana Urban Development Authority v. Abhishek***

Gupta, 2024 SCC OnLine SC 2991, is clearly misplaced. In each of those cases, the landowners had directly assailed the acquisition itself—by questioning the existence or bona fides of the public purpose, the necessity or suitability of the land, or by establishing mechanical rejection of objections impugning acquisition. In contradistinction, respondent No. 1 never disputed the acquisition or public purpose and confined his objections solely to compensation, employment and environmental safeguards—matters lying outside the ambit of Section 5A and remediable under Sections 11 and 18 of the Act of 1894. The ratio of the aforesaid judgments is, therefore, clearly distinguishable and cannot be mechanically applied to invalidate the present acquisition.

28. Another aspect of considerable significance is the long passage of time and the irreversible change of circumstances. The notification under Section 4 was issued in 2010, the award was passed in 2011, possession was taken, and the project has been operational since 2013. Substantial public investment has been made, and the project has been serving public interest for more than a decade.

29. The Honb'le Supreme Court has consistently cautioned that Courts must be slow in unsettling concluded acquisitions, particularly where large public or infrastructure projects have come into existence and third-party rights have intervened. The decision in ***Darshan Lal Bohra*** (supra) squarely applies and militates against turning the clock back on tenuous procedural grounds raised by a solitary landowner.

30. Significantly, the learned Single Judge himself preserved the acquisition and award in respect of other landowners covered by the same notification and public purpose. Once the acquisition is held valid for the vast majority of landholders, selective annulment qua a single landowner—who never objected to acquisition—results in legal incongruity and administrative uncertainty.

31. Respondent No. 1 had, and continues to have, a complete and efficacious statutory remedy under Section 18 of the Act of 1894 for redressal of his grievance relating to compensation. The scheme of the Act draws a clear distinction between objections to acquisition under Section 5A and disputes regarding compensation under Sections 11 and 18 of the Act of 1894.

32. Permitting invocation of Section 5A to indirectly challenge compensation would obliterate this statutory distinction and render Sections 11 and 18 pointless.

33. For all the aforesaid reasons, we are of the considered opinion that the objections raised by respondent No. 1 did not attract the scope of Section 5A in its true sense; that there was no illegality of such magnitude as to vitiate the acquisition proceedings; and that the learned Single Judge erred in quashing the notification under Section 6, the order dated 26.08.2010 and the award dated 14.01.2011 qua the land of respondent No. 1.

34. Consequently, the impugned judgment cannot be sustained in law. Accordingly, all the writ appeals are **allowed**. The judgment and

order dated 14.08.2025 passed by the learned Single Judge are hereby set aside, and WPC No. 5918 of 2010 stands **dismissed**.

35. The notifications issued under Sections 4(1) and 6 of the Act of 1894, the order dated 26.08.2010 and the award dated 14.01.2011 are upheld in their entirety, including qua the land of respondent No. 1.

36. Liberty is reserved in favour of respondent No. 1 to seek enhancement of compensation by availing the statutory remedy under Section 18 of the Act of 1894, if not already exhausted, in accordance with law.

**Sd/-
(Bibhu Datta Guru)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**

Headnote

Land Acquisition Act, 1894 — Sections 4(1), 5A, 6, 11 and 18 — Section 5A(1) objections lie only to acquisition of land; disputes limited to compensation, employment, rehabilitation or environmental safeguards fall outside its ambit and are to be addressed under Sections 11 and 18 — “Further inquiry” under Section 5A(2) is discretionary — Collateral or ancillary objections do not vitiate acquisition once possession is taken and projects are operational, and public purpose and legality must be challenged to attract Section 5A.