



2026:CGHC:15706-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 272 of 2026**

1 - South Eastern Coalfields Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh (Respondent No. 1 In WP)

2 - Chief General Manager South Eastern Coalfields Ltd. Bishrampur Area, District Surguja Chhattisgarh Now District Surajpur Chhattisgarh (Respondent No. 3 In WP)

... Appellants**versus**

1 - Mahendra Kumar Sahu S/o Motiram Sahu Aged About 40 Years Occupation Advocate, R/o Sonhat, P.O. Sonhat, District Koriya Chhattisgarh (Petitioner In WP)

2 - State Of Chhattisgarh Through Its Secretary, The State Rehabilitation Department, D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh (Respondent No. 2 In WP)

3 - The Collector District Surguja Chhattisgarh (Now District Surajpur Chhattisgarh) (Respondent No. 4 In WP)

... Respondents

(Cause-title taken from Case Information System)

For Appellants	:	Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Pankaj Singh as well as Mr. Harash Dave, Advocates
For Respondent No.1	:	Mr. Mahendra Kumar Sahu, in person
For State/Respondents No.2 & 3	:	Mr. Prasun Kumar Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

07.04.2026

1. Heard Mr. Manoj Paranjpe, learned Senior Counsel assisted by Mr. Pankaj Singh and Mr. Harsh Dave, learned counsel appearing for the appellants as well as Mr. Mahendra Kumar Sahu, respondent No.1 in person and Mr. Prasun Kumar Bhaduri, learned counsel appearing for the State/respondents No.2 and 3, on I.A. No.01, which is an application for condonation of delay of 12 days in preferring the writ appeal.
2. On due consideration the grounds mentioned in the application (I.A. No.01), the same is allowed. Delay of 12 days in preferring the writ appeal is hereby condoned.
3. With the consent of learned counsel appearing for the parties, we proceed to hear the matter finally.
4. By way of the present writ appeal, the appellants have prayed to set aside the order dated 06.11.2025 passed in Writ Petition (S) No.1625/2012 and consequently dismiss the writ petition filed by respondent No.1/writ petitioner.
5. The brief facts projected before the learned Single Judge were that the writ petitioner had purchased Survey Nos. 341/381,

186/388(x), 182/25, 186/80 and 186/103 kha, admeasuring total area of 1.21 acres, situated at Village Govindpur, through a registered sale deed dated 05.01.1993. The surface rights over the said land were subsequently acquired by the SECL authorities, and an award came to be passed on 21.05.2002, pursuant to which compensation amounting to Rs. 31,291/- was paid to the writ petitioner. It was the case of the writ petitioner that he had applied for grant of employment in terms of the rehabilitation policy issued by the State of Madhya Pradesh dated 25.09.1991. However, the said claim was rejected by the competent authority vide orders dated 20.08.2002 and again on 08.04.2006 on the ground that the writ petitioner had purchased the land after the cut-off date i.e. 30.09.1991.

6. Aggrieved thereby, the petitioner preferred Writ Petition (S) No.1625/2012 seeking a direction to the SECL authorities to consider his claim for grant of employment in lieu of the land so acquired. The said writ petition came to be disposed of by the learned Single Judge vide order dated 06.11.2025, wherein it was observed that the action of the SECL authorities in rejecting the claim of the writ petitioner for employment is not sustainable in the eyes of law. Accordingly, the orders impugned therein were quashed, and the SECL authorities were directed to consider the claim of the writ petitioner for employment within a period of 30 days. It was further observed that the writ petitioner had been agitating his claim since the year 2012 and had prima facie been

subjected to discrimination; consequently, the SECL authorities were directed to pay compensation of Rs.10,00,000/- to the writ petitioner within a period of 30 days from the date of the order passed in the writ petition.

7. Being aggrieved by the order dated 06.11.2025, passed by the learned Single Judge, the present writ appeal has been preferred by the SECL authorities.
8. Learned Senior Counsel appearing for the appellants submits that the impugned order passed by the learned Single Judge is contrary to the facts on record and the settled principles of law governing land acquisition and rehabilitation policies. It is contended that the learned Single Judge failed to appreciate that the claim of the petitioner for grant of employment was rejected strictly in accordance with the decision taken in the meeting dated 19.07.2002, wherein it was resolved that persons who had purchased land after the cut-off date i.e. 30.09.1991 would not be entitled to employment under the Rehabilitation Policy of 1991. The said decision, having been taken in the presence of public representatives, villagers, and authorities of the State as well as SECL, cannot be said to be arbitrary or unknown to the affected persons.
9. It is further submitted that the learned Single Judge erred in holding that the rejection of the petitioner's claim was not supported by any material, overlooking the fact that the initiation

of land acquisition proceedings on 30.09.1991 is the relevant date for determining eligibility. Any transaction subsequent thereto does not confer any right to claim employment under the rehabilitation scheme. In this regard, reliance has been placed on the judgment of the Hon'ble Supreme Court in ***Union of India vs. Shiv Kumar Bhargava, 1995 AIR SCW 595***, wherein it has been held that the rights of a landowner are to be determined with reference to the date of notification for acquisition and that a subsequent purchaser cannot claim the benefit of rehabilitation.

10. Learned Senior Counsel further submits that reliance has also been placed on the decision of the Hon'ble Supreme Court in ***Government of NCT of Delhi vs. Sunil Jain, AIR 2023 SC 415***, wherein it has been categorically held that a subsequent purchaser has no locus to challenge acquisition proceedings or claim benefits arising therefrom. Similar view has been reiterated in ***Government of NCT of Delhi vs. M/s BSK Realtors LLP, 2024 (5) SCR 1159***, thereby affirming that rights flowing from acquisition cannot be claimed by persons who acquire interest after the initiation of acquisition proceedings.
11. It is also contended that the finding recorded by the learned Single Judge regarding non-communication of rejection orders is perverse and contrary to the material available on record. The appellants had duly produced documentary evidence, including the dispatch register (Annexure R-1/3), to establish that the

rejection orders were sent to the petitioner through registered post. In terms of Section 27 of the General Clauses Act, 1897, service is deemed to have been effected when a document is properly addressed, prepaid and posted, unless the contrary is proved, which has not been demonstrated in the present case.

12. Learned Senior Counsel further submits that the learned Single Judge has committed a grave error in awarding compensation of Rs.10,00,000/- to the petitioner in the absence of any specific pleading, prayer, or finding of mala fides, negligence or wrongful conduct on the part of the appellants. The delay in adjudication of the writ petition cannot be attributed to the appellants, particularly when the petition remained pending for more than a decade. The imposition of such an exorbitant monetary liability, therefore, is wholly unjustified and unsustainable in law. It is next contended that the writ petition itself suffered from gross delay and laches, having been filed after nearly 10 years from the date of rejection of the petitioner's claim. Mere submission of repeated representations does not extend the period of limitation.
13. Lastly, it is submitted that the petitioner is not entitled to any relief even on merits, as he had admittedly purchased the land after initiation of acquisition proceedings and was neither an original landholder nor a person fulfilling the eligibility criteria under the Rehabilitation Policy, 1991. Reliance has also been placed on ***SECL vs. Prem Kumar Sharma, AIR 2006 SC 2727, Sanjeev***

Kumar Singh vs. Union of India, AIR 2015 CG 139, and ***R. Muthukumar vs. Chairman and Managing Director, TANGEDCO, 2022 SCC OnLine SC 151***, to contend that Article 14 cannot be invoked to perpetuate an illegality or to claim parity based on a wrong decision. It is urged that the impugned order, if allowed to stand, would open floodgates of litigation and defeat the very object of the rehabilitation policy, which is intended to benefit genuine land oustees and not to provide a backdoor entry into public employment.

14. On the other hand, respondent No.1, appearing in person, would submit that the very foundation of rejection of his claim by the appellants is arbitrary and unsustainable in law, inasmuch as the alleged decision taken in the meeting dated 19.07.2002, restricting grant of employment to only those landholders who owned the land prior to 30.09.1991, was never brought into the public domain. It is contended that such an internal communication between SECL and the District Collector, not being notified or made known to the affected persons, could not have been relied upon to deprive him of his legitimate entitlement under the Rehabilitation Policy of 1991. He would further submit that the land owned by him, admeasuring 1.21 acres, was duly acquired by the authorities and an award was passed in his favour, pursuant to which compensation was also paid. However, despite acquisition of his land, his claim for grant of employment was rejected without proper intimation. It is his case that no

effective communication of the rejection orders was ever made to him by the appellants, thereby depriving him of an opportunity to seek appropriate remedy at the relevant point of time.

15. Respondent No.1 would also contend that the action of the appellants is discriminatory and violative of Article 14 of the Constitution of India, as similarly situated persons, who had purchased land even after the cut-off date of 30.09.1991, were granted employment by SECL and are continuing in service till date. According to him, once such benefit has been extended to other persons, denial of the same to him amounts to hostile discrimination without any reasonable basis. It is further submitted that the object of the Rehabilitation Policy is to provide relief and livelihood support to persons whose lands have been acquired, and the respondent, having lost his land in the acquisition proceedings, squarely falls within the category of land oustees entitled for such consideration. The rejection of his claim, therefore, defeats the very purpose of the policy and results in grave injustice.

16. Respondent No.1 would also urge that the appellants cannot take shelter under technicalities or internal decisions to deny him employment, particularly when his land stood acquired and compensation alone cannot be treated as adequate rehabilitation. The denial of employment, according to him, is arbitrary, unreasonable and contrary to the spirit of the policy. On the

aforesaid submissions, respondent No.1 prays that the appropriate directions be issued to the appellants to consider and grant him employment in lieu of the land acquired, along with all consequential benefits.

- 17.** Learned State Counsel appearing on behalf of respondents No.2 and 3 submits that, pursuant to the liberty granted by the learned Single Judge vide order dated 13.06.2024, an enquiry was conducted with respect to the entitlement of the writ petitioner in connection with Revision Revenue Case No. 207/A-67/2010-11. It is submitted that the enquiry was carried out by the Sub-Divisional Officer (Revenue), Surajpur, and a detailed report dated 08.07.2024 has been prepared and placed on record. It is further submitted that, as per the findings recorded in the said enquiry report, the land in question belongs to the writ petitioner and the same has been acquired by SECL, and possession thereof has already been taken over by the acquiring authority. The report also confirms that an award dated 21.05.2002 was passed and compensation amounting to Rs.31,291/- was paid to the writ petitioner.
- 18.** Learned State Counsel would further submit that the enquiry reveals that the writ petitioner had acquired the subject land by way of purchase through a registered sale deed dated 05.01.1993, and the same stood duly recorded in his name in the revenue records, including mutation entries and B-1 records,

thereby establishing his ownership over the land in question. It is also contended that during the course of enquiry, notices were issued to the concerned parties including SECL; however, despite opportunity, no reply was submitted by the General Manager, SECL, and therefore, the enquiry was concluded on the basis of available records and material, including the report submitted by the concerned Patwari along with relevant revenue documents.

- 19.** Learned State Counsel submits that, upon a detailed examination of the records, it has been clearly opined in the enquiry report that the writ petitioner had valid title over the acquired land and that the acquisition proceedings and payment of compensation stand duly established. He would further submit that on the strength of the said enquiry report, it is evident that the land in question belongs to the writ petitioner.
- 20.** We have heard learned Senior counsel for the appellants as well as respondent No.1, who appeared in person as also the learned State counsel, at considerable length and have bestowed our anxious consideration to the rival submissions advanced at the Bar. We have also carefully perused the impugned order passed by the learned Single Judge and examined the pleadings, documents and materials available on record.
- 21.** After appreciating the submissions of learned counsel for the parties as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“7. Admittedly, the lands bearing Survey Nos. 341/381, 186/388 x, 182/25, 186/80, 186/103 [k, total area 1.21 acres situated at Village Govindpur belonging to the petitioner were acquired for mining purpose by the SECL under the Act of 1957 and later on, surface right was acquired and an award was passed on 21.05.2002. The claim of the petitioner for employment has been rejected on the ground that he purchased the property after 30th of September, 1991. In letter dated 30th of September, 1991, there is no whisper to the effect that the person who would purchase the property after said date would not get employment. The letter dated 30th of September, 1991 was internal communication between the SECL and the District Collector. The Collector took decision on said communication on 19th of July, 2002 and held that the persons who have purchased the property after 30th of September, 1991 cannot claim employment according to the rehabilitation policy of the State of Madhya Pradesh.

8. The decision was taken by the Collector after passing of award dated 21.05.2002. From 1991 till 19.07.2002, the purchasers/land oustees were not aware of the fact that they were not eligible or entitled to get employment against acquisition of their lands. The letter dated 30.09.1991 & order dated 19.07.2002 were not public either by SECL or by the State authorities, thus, the action of the SECL as well as the District Collector was illegal, arbitrary and

discriminatory which deprive the petitioner and other persons from their legal rights.

9. The claim of the petitioner for employment has been rejected only on the ground that he purchased the property after 30th of September, 1991 but no document has been placed by the SECL authorities to demonstrate that ban was put on purchase of the land in that area after 30.09.1991.

10. With regard to delay in filing this petition, the SECL has not placed any document to establish that the orders of rejection were duly communicated to the petitioner, therefore, the contention made by Mr. Singh cannot be accepted and is hereby rejected.

11. The action of the SECL authorities in rejecting the claim of the petitioner for employment is not sustainable in the eyes of law, therefore, all the orders issued in this regard are hereby quashed. The SECL authorities are directed to consider the claim of the petitioner for employment within a period of 30 days from today. The petitioner is agitating his legal and rightful claim since 2012 and prima facie it appears that he has been discriminated, therefore, the SECL authorities shall pay compensation of Rs.10,00,000/- to the petitioner within a period of 30 days from today.

12. With the aforesaid observation(s)/ direction(s), the present petition is disposed of.”

- 22.** It is not in dispute before this Court that the land in question, belonging to respondent No.1/writ petitioner, stood acquired by the SECL authorities in accordance with law and that an award dated 21.05.2002 was duly passed in the acquisition proceedings. It is also borne out from the record that compensation, as determined under the said award, was paid to the writ petitioner. The enquiry report submitted by the Sub-Divisional Officer (Revenue), Surajpur, pursuant to the liberty granted by the learned Single Judge, further reinforces and substantiates the factum of acquisition of the subject land as well as the title of the writ petitioner over the same. The said report, based on revenue records, mutation entries and other contemporaneous documents, unequivocally establishes that the writ petitioner was the recorded owner of the acquired land at the relevant point of time. In such circumstances, the status of the writ petitioner as a land oustee stands duly established.
- 23.** The principal controversy, however, revolves around the entitlement of the writ petitioner to claim employment under the Rehabilitation Policy of 1991, particularly in view of the fact that he had purchased the land after the cut-off date i.e. 30.09.1991. The appellants have sought to justify rejection of the claim on the basis of a decision allegedly taken in a meeting dated 19.07.2002. However, it is evident from the record that such decision was not part of any statutory policy nor was it ever notified or made known to the affected persons. Thus, the same could not have been

relied upon to deny substantive benefits to the writ petitioner/respondent No.1.

- 24.** It is a settled principle of law that any administrative decision having civil consequences must be transparent and made known to the persons likely to be affected. An internal administrative arrangement, which has neither been published nor communicated, cannot be enforced to the detriment of an individual. In the present case, there is no material to indicate that the alleged restriction based on the cut-off date was ever brought into the public domain. Therefore, denial of employment to the writ petitioner on the strength of such an undisclosed decision cannot be sustained.
- 25.** At this juncture, during the course of hearing, a pointed query was put by this Court to respondent No.1, who appeared in person, as to whether he seeks consideration for grant of employment in terms of the Rehabilitation Policy or would be satisfied if reasonable compensation is awarded to him in lieu thereof. In response, respondent No.1 fairly and candidly submitted that he would be satisfied if a just and reasonable compensation is awarded and that he does not wish to press his claim for grant of employment any further.
- 26.** It is pertinent to note that respondent No.1, though now a practising Advocate, has appeared in person and has been pursuing the present litigation pertaining to his individual

grievance for a considerable length of time. The record reflects that he has been agitating his claim since the year 2012, even prior to entering the legal profession, and has continued to pursue the same with diligence. His present stand before this Court indicates a pragmatic approach aimed at bringing finality to the long-pending dispute.

- 27.** Learned Senior Counsel appearing for the appellants, on instructions, submitted that in the event this Court is inclined to award reasonable compensation in lieu of employment, the appellants would abide by such direction and ensure compliance within a stipulated time. The said submission substantially narrows the controversy and paves the way for an equitable resolution.
- 28.** In light of the aforesaid stand taken by both the parties and having regard to the fact that respondent No.1 is now a practising Advocate who has been pursuing this matter since long, this Court is of the considered opinion that the ends of justice would be adequately served by granting monetary compensation in lieu of directing consideration of his claim for employment. Such a course would ensure quietus to the dispute and obviate the need for further rounds of litigation.
- 29.** In light of the aforesaid stand taken by both the parties and considering the peculiar facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would

be better served by granting monetary compensation to the writ petitioner in lieu of directing consideration of his claim for employment. Accordingly, the direction issued by the learned Single Judge for consideration of the claim of the writ petitioner for grant of employment is set aside.

30. This Court further finds that the compensation of Rs.10,00,000/- awarded by the learned Single Judge is on the higher side, particularly in the absence of any specific finding of mala fides or deliberate wrongdoing on the part of the appellants. At the same time, it cannot be ignored that the writ petitioner has been pursuing his claim for a considerable period and has suffered prolonged litigation. Therefore, balancing the equities and in order to do complete justice between the parties, this Court deems it appropriate to modify the compensation awarded by the learned Single Judge. The compensation is accordingly reduced from Rs.10,00,000/- to Rs.5,00,000/- (Rupees Five Lakhs only), which, in the considered view of this Court, would constitute fair and reasonable recompense in the facts of the case.
31. The aforesaid amount shall be paid by the appellants to respondent No.1 within a period of 30 days from the date of receipt of a certified copy of this judgment, failing which the same shall carry consequences in accordance with law.
32. Resultantly, the writ appeal is **partly allowed**. The impugned order dated 06.11.2025 passed by the learned Single Judge is

modified to the extent that the direction for consideration of grant of employment is set aside and the compensation is reduced to Rs.5,00,000/- as indicated hereinabove.

- 33.** All pending interlocutory applications, if any, shall stand disposed of. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu

Head-Note

Rejection of claim for employment under the Rehabilitation Policy on the basis of an unnotified cut-off date, arising from an internal administrative decision is legally unsustainable.