



IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE GAJENDRA SINGH

th
ON THE 15 OF APRIL, 2025

WRIT PETITION No. 11828 of 2025

STATE OF M. P. AND OTHERS

Versus

RADHESHYAM S/O MOTESINGH AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

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WRIT PETITION No. 11833 of 2025

THE STATE OF M. P. AND OTHERS

Versus

JAGDISH AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

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WRIT PETITION No. 11845 of 2025



STATE OF M. P. AND OTHERS
Versus
SUKHDEV AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

WRIT PETITION No. 11852 of 2025

THE STATE OF M. P. AND OTHERS
Versus
HIRDARAM AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

WRIT PETITION No. 11856 of 2025

THE STATE OF M.P. AND OTHERS
Versus
BABULAL AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

WRIT PETITION No. 11983 of 2025



THE STATE OF M. P. AND OTHERS

Versus

JASHODA AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

WRIT PETITION No. 11986 of 2025

**STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL
SECRETARY NARMADA VALLEY DEVELOPMENT AUTHORITY
(NVDA) AND OTHERS**

Versus

DHANUBAI AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.

WRIT PETITION No. 11973 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

LATE SHANKAR AND OTHERS

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Appearance:

Shri Naman Jain, learned counsel for the petitioners.



WRIT PETITION No. 11985 of 2025

THE STATE OF MADHYA PRADESH AND OTHERS

Versus

RAMESHWAR AND OTHERS

Appearance:

Shri Naman Jain, learned counsel for the petitioners.

ORDER

Per : Justice Vivek Rusia

This order shall govern disposal of aforesaid Writ Petition Nos.11828/2025, 11833/2025, 11845/2025, 11852/2025, 11856/2025, 11983/2025, 11986/2025, 11973/2025 & 11985/2025.

2. Regard being had to the similitude of the controversy involved in the aforesaid petitions, they have been heard analogously and disposed of by this singular order.

3. For the sake of convenience, facts of W.P. No.11828 of 2025 are taken for the purpose of the adjudication.

4. The respondent Radheshyam approached the Grievance Redressal Authority (GRA) claiming the benefit of R & R policy as his 41.834% of the total land was affected in a submergence i.e. 3.543



hectares.

5. The petitioners objected the aforesaid claim by submitting that the land affected in submergence is only 23.76% which is less than 25%, therefore, he is not entitled for the R & R policy. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 24.12.1999. The compensation for the land had been paid for acquisition of the land.

6. By way of amendment in the year 2000, the definition of displaced persons has been modified and benefits of R & R policy has been restricted to the land owners whose 25% area of the land was came under the submergence, but in the present case, the land of the petitioner had been affected prior to this amendment, therefore, the GRA, Single Bench passed an order in favour of the respondent on 06.08.2019. The benefits which had been given to the land owner prior to the date of amendment in the year 2000 can be withdrawn by giving retrospective effect. The said order was challenged by the petitioners by way of appeal before the Division Bench of the GRA relying on the R & R Policy. The Division Bench has dismissed the appeal by order dated 10.11.2020 holding that the amendment is prospective in nature and there cannot be a distinction between the land acquired for the project and land affected by the same project.



7. Apart from the merit of the case, there is a delay of four years in approaching this court, which has not been explained in the petition.

8. We are satisfied with the decision given by the Single as well as the Division Bench of the GRA that for the purpose of R & R Policy, there cannot be a distinction between the land acquired for the project and land affected in submergence. In the original policy, in respect of grant of benefit of R & R Policy there was no distinction between the persons whose land has been acquired and persons whose land is affected in the submergence. In all the cases, the land owners have been affected by the project which include the submergence area and unable to cultivate the land and use their houses for residence.

9. Accordingly, finding no reason for interference with the order impugned, the petitions are hereby *dismissed*.

10. Let a copy of this order be kept in the record of other cases viz., W.P. Nos.11833/2025, 11845/2025, 11852/2025, 11856/2025, 11983/2025, 11986/2025, 11973/2025 & 11985/2025.

(VIVEK RUSIA)
J U D G E

(GAJENDRA SINGH)
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