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WA-3032-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 26th OF NOVEMBER, 2025

WRIT APPEAL No. 3032 of 2025

LALIYA DEVI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Aman Patel - Advocate for the appellants.

Dr. S. S. Chouhan - Government Advocate for the respondents/State.
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ORDER

Per. Justice Vinay Saraf.

1. By taking exception to the order dated 25.09.2025 passed by learned Single Judge in W.P. No.29916/2025, whereby the petition preferred by the appellants was dismissed, the appellants have preferred the instant intra court appeal.

2. Heard Shri Aman Patel, learned counsel for the appellants on the question of admission.

3. Learned counsel for the appellants submits that appellants were owners and occupiers of lands situated at Village Kolan Tola, Tehsil Ramnagar, District Maihar of different survey numbers, which were acquired by the respondent authorities for the purpose of Bansagar project. However, neither the compensation was paid to the appellants nor actual possession



was taken and the lands have not been utilized for the purpose of project. The case of appellants are that as the lands have not been utilized for a period of more than five years, the same should be returned to the original owners or his legal heirs. The appellants preferred the petition seeking relief for issuance of direction to return the lands to the appellants and to restrain the respondents from constructing electric sub station on the land.

4. Learned Single Judge after considering the facts and circumstances of the case, noticed that earlier also WP No.5490/2012 (Smt. Ananti Devi Vs. State of M.P. & Ors.) was filed by one of the appellants, which was dismissed as withdrawn vide order dated 23.1.2013 with a liberty to file a fresh petition but no fresh petition was filed by the appellants till 26.7.2025 when the subject petition was filed and as the appellants kept quiet for more than two decades, they are not entitled for any relief. Furthermore, learned Single Judge observed that no document is filed along with the petition to show that appellants are still in possession over the lands in question. After recording the aforesaid observations, learned Single Judge dismissed the petition on the ground of delay and laches.

5. Learned counsel for the appellants submits that the actual possession of lands are still with the appellants and the appellants were pursuing the matter with the authorities, after withdrawal of the first petition, and therefore, the immediate action was not taken by the appellants by approaching the Court. He further submits that the lands of appellants have not been utilized for the Bansagar project, and therefore, the same should be returned to the appellants in view of the provisions of Section 101 of the



Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. He prays for setting aside the order passed by the learned Single Judge.

6. After consideration of the arguments advanced by learned counsel for the appellants, it appears that the lands in question were acquired by award dated 24.5.2003 and the subject petition has been preferred on 26.7.2025, after a period of 22 years, mainly on the ground that neither the appellants have been paid compensation nor the actual possession of lands have been taken over. If the actual possession of lands have not been taken over, the provisions of Section 101 of the Act, 2013 are not applicable. However, the appellants are free to take appropriate action under Section 24 (2) of the Act, 2013, if the compensation has not been deposited and the possession has not been taken over provided other conditions of the said section are satisfied. The relief which was claimed by the appellants in the subject writ petition could not be granted and the learned Single Judge has not committed any error in dismissing the petition on the ground of delay and laches.

7. We are in full agreement with the findings recorded by learned Single Judge. No interference is called for in the instant intra court appeal. The appeal is devoid of merits. Admission is declined and consequently, the appeal is dismissed. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE



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