



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 17703/2025

1. Suresh Kumar S/o Shri Sahab Ram, aged about 39 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
2. Bhoop Singh S/o Shri Hari Ram, aged about 62 years, Resident of Ward No. 25, Lalgarh, Sri Ganganagar.
3. Subash Chander S/o Shri Niku Ram, aged about 43 years, Resident of Ward No. 09, Lalgarh, Sri Ganganagar.
4. Rakesh Kumar S/o Shri Roop Ram, aged about 39 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
5. Indra D/o Shri Sohan Lal, aged about 56 years, Resident of Surawali, Goluwala, Hanumangarh.
6. Kamla D/o Shri Sohan Lal, aged about 63 years, Resident of Pakka Saharana, Hanumangarh.
7. Kaushlya D/o Shri Sahab Ram, aged about 37 years, Resident of Narsinghpura Barani, Manjuvas, Sri Ganganagar.
8. Chunni Ram S/o Shri Sohan Lal, aged about 66 years, Resident of Ward No. 25, Lalgarh, Sri Ganganagar.
9. Data Ram S/o Shri Sohan Lal, aged about 56 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
10. Parmeshwari Devi D/o Shri Sohan Lal, aged about 65 years, Resident of Pakka Saharana, Hanumangarh.
11. Menpal S/o Shri Sahab Ram, aged about 34 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
12. Baadho Devi W/o Shri Sahab Ram, aged about 74 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
13. Mani Ram S/o Shri Jiwan Ram, aged about 79 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
14. Maheshwari Devi W/o Shri Sultan Singh, aged about 73 years, Resident of Ward No. 25, Lalgarh, Sri Ganganagar.
15. Monika D/o Shri Sultan Singh, aged about 46 years, Resident of Ward No. 25, Lalgarh, Sri Ganganagar.
16. Mehar Chand S/o Shri Sohan Lal, aged about 70 years,





Resident of Ward No. 20, Lalgarh, Sri Ganganagar.

17. Vidhya D/o Shri Sohan Lal, aged about 81 years, Resident of Sabuana, Fazilka, Punjab.
18. Shakuntala D/o Shri Sahab Ram, aged about 42 years, Resident of Narsinghpura Barani, Manjuvas, Sri Ganganagar.
19. Sharda D/o Late Saraswati D/o Shri Sohan Lal, aged about 45 years, Resident of Takarwali, Sri Ganganagar (Legal Heir Of Saraswati).
20. Suman D/o Late Saraswati D/o Shri Sohan Lal, aged about 47 years, Resident of Chohilanwali, Hanumangarh (Legal Heir Of Saraswati).
21. Vidhya D/o Late Saraswati D/o Shri Sohan Lal, aged about 45 years, Resident of Kaluana, Sirsa, Haryana (Legal Heir Of Saraswati).
22. Manju Devi D/o Late Saraswati D/o Shri Sohan Lal, aged about 38 years, Resident of Chohilawali, Hanumangarh (Legal Heir Of Saraswati).
23. Chanderkala D/o Late Saraswati D/o Shri Sohan Lal, aged about 53 years, Resident of Surawali, Hanumangarh (Legal Heir Of Saraswati).
24. Sunita D/o Late Saraswati D/o Shri Sohan Lal, aged about 34 years, Resident of 26 Slw, Hanumangarh (Legal Heir Of Saraswati).
25. Jagdish S/o Late Savitri D/o Shri Hari Ram, aged about 43 years, Resident of Chilkani Dhab, Sirsa, Haryana (Legal Heir Of Savitri).
26. Arvind S/o Late Savitri D/o Shri Hari Ram, aged about 42 years, Resident of Chilkani Dhab, Sirsa, Haryana (Legal Heir Of Savitri).
27. Pala Ram S/o Late Saraswati D/o Shri Hari Ram, aged about 44 years, Resident of Chilkani Dhab, Sirsa, Haryana (Legal Heir Of Saraswati).
28. Rajiv Kumar S/o Late Saraswati D/o Shri Hari Ram, aged about 31 years, Resident of Chilkani Dhab, Sirsa, Haryana (Legal Heir Of Saraswati).
29. Rekha D/o Shri Hari Ram, aged about 55 years, Resident of Village 21 Sds, Lalgarh, Sri Ganganagar.





30. Ranveer S/o Shri Hari Ram, aged about 52 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
31. Sharda D/o Shri Hari Ram, aged about 47 years, Resident of Kaluana, Sirsa, Haryana.
32. Sajani Devi W/o Shri Hari Ram, aged about 74 years, Resident of Ward No. 19, Lalgarh, Sri Ganganagar.
33. Santro D/o Shri Hari Ram, aged about 73 years, Resident of Nuhiyan Wali, Sirsa, Haryana.
34. Sunder D/o Shri Hari Ram, aged about 55 years, Resident of Ward No. 04, Sirasar, Hanumangarh.
35. Surender S/o Shri Hari Ram, aged about 56 years, Resident of Ward No. 20, Lalgarh, Sri Ganganagar.
36. Krishna Devi D/o Shri Kashi Ram, aged about 69 years, Resident of Kheowali, Fazilka, Punjab.
37. Mukh Ram S/o Shri Kashi Ram, aged about 71 years, Resident of Ward No. 06, Lalgarh, Sri Ganganagar.
38. Mahender Singh S/o Shri Kashi Ram, aged about 69 years, Resident of 279, Ward No. 43, Sector 6 L, Hanumangarh.
39. Rajender Prasad S/o Shri Kashi Ram, aged about 59 years, Resident of Ward No. 06, Lalgarh, Sri Ganganagar.
40. Rajeshwari D/o Shri Kashi Ram, aged about 65 years, Resident of Village 36 Ptp, Sadulshahar, Sri Ganganagar.
41. Sunder Devi D/o Shri Kashi Ram, aged about 60 years, Resident of Shatirwala, Fazilka, Punjab.
42. Surender Kumar S/o Shri Kashi Ram, aged about 56 years, Resident of Ward No. 06, Lalgarh, Sri Ganganagar.
43. Savitri Devi D/o Shri Kashi Ram, aged about 68 years, Resident of Shatirwala, Fazilka, Punjab.
44. Ravinder Kumar S/o Shri Mukh Ram, aged about 50 years, Resident of Ward No. 06, Lalgarh, Sri Ganganagar.
45. Anil Kumar S/o Shri Krishan Lal, aged about 39 years, Resident of Ward No. 09, Lalgarh, Sri Ganganagar.
46. Mahender Kumar S/o Shri Krishan Lal, aged about 30 years, Resident of Ward No. 09, Lalgarh, Sri





Ganganagar.

47. Jeet Singh S/o Shri Mohar Singh, aged about 77 years, Resident of Gali No. 2, Sahib Baba Deep Singh Nagar, Sri Mukstar Sahib, Punjab.
48. Prithvi Singh S/o Shri Mohar Singh, aged about 76 years, Resident of Ward No. 02, 9Dd, Sri Ganganagar.
49. Malkit Singh S/o Shri Kaur Singh, aged about 80 years, Resident of Chak 1 Bld, Sri Vijaynagar, Sri Ganganagar.
50. Nazar Singh S/o Shri Vichitar Singh, aged about 84 years, Resident of Sammewali, Sri Muktsar Sahib, Punjab.
51. Hardeep Singh S/o Shri Kaur Singh, aged about 65 years, Resident of Ward No. 02, 9Dd, Sri Ganganagar.
52. Sukhpal Singh S/o Shri Nazar Singh, aged about 64 years, Resident of Sammewali, Sri Muktsar Sahib, Punjab.
53. Chanderkala W/o Shri Liladhar, aged about 79 years, Resident of 15 Lakkhar Mandi, Sri Ganganagar.
54. Kaushlya Devi W/o Shri Govind Ram, aged about 75 years, Resident of Ward No. 02, Lalgarh, Sri Ganganagar.
55. Naveen Kumar S/o Shri Govind Ram, aged about 44 years, Resident of Ward No. 02, Lalgarh, Sri Ganganagar.
56. Prithvi Raj S/o Shri Devi Lal, aged about 55 years, Resident of Ward No. 11, Lalgarh, Sri Ganganagar.
57. Ramji Lal S/o Shri Devi Lal, aged about 47 years, Resident of Ward No. 11, Lalgarh, Sri Ganganagar.
58. Shakuntala W/o Shri Mahender Kumar, aged about 36 years, Resident of Ward No. 10, Lalgarh, Sri Ganganagar.
59. Manju Bala W/o Shri Sulender Kumar, aged about 33 years, Resident of Ward No. 10, Lalgarh, Sri Ganganagar.

----petitioners

Versus

1. Union of India through Defense Estates Officer (DEO) Circle Bikaner, Ministry of Defense, Government of





India, Principal Directorate, Defense Estates, South-Western Command Jaipur.

2. State of Rajasthan through Joint Secretary, Home (Group-I) Department, Government of Rajasthan, Jaipur.
3. The District Collector, Sri Ganganagar, Collectorate, Sri Ganganagar.
4. The Land Execution Officer Cum Sub-Divisional Officer, Sadulshahar, District Sri Ganganagar.
5. The Tehsildar, Sadulshahar, District Sri Ganganagar.

----Respondents

For Petitioner(s) : Mr. Pankaj Sharma
 For Respondent(s) : Mr. N.S. Rajpurohit, AAG with
 Mr. Sher Singh Rathore.
 Mr. Deelip Kawadia (CGSC) with
 Mr. Pooshan Rastogi and Ms. Nidhi Singhvi.

HON'BLE DR. JUSTICE NUPUR BHATI

J U D G M E N T

REPORTABLE

Reserved on: 10/11/2025

Pronounced on: 18/12/2025

1. The instant writ petition has been filed under Article 226 of the Constitution claiming following relief(s):-

"A. the preliminary Notification dt 14.11.2023(Annex. 1), the decision of the objections required to be heard under Section 15 of the Act of 2013, the obligation of declaration dt 12.11.2024(Annex. 7) pursuant to section 19 (1) of the Act of 2013. the notice dt 11.08.2024, the award dt 25.07.2025 and the entire land acquisition proceedings may kindly be quashed and set aside.

B. the Respondents-Authorities may kindly be directed not to acquire the land of the petitioners pursuant to the aforesaid preliminary Notification dt 14.11.2023 and the exercise carried pursuant to the same and the land



may, kindly be declared to be free from such acquisition proceedings.

C. Any other appropriate relief which this Hon'ble Court deems fit may also kindly be granted in favour of the petitioners.

D. Cost of the writ petition may kindly be awarded to the petitioners."

2. Brief facts relevant for this case are that the petitioners have approached this Court seeking to quash the entirety of the land acquisition proceedings initiated by the authorities under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act of 2013"), citing a sequence of mandatory statutory violations. The petitioners hold lands situated in Chak 21 SDS, Tehsil Sadulshahar, District Sri Ganganagar, which form the subject matter of the impugned acquisition proceedings. The cause of action for the instant writ petition emanates from the preliminary Notification dated 14.11.2023(Annex.1) issued by the Home (Group-9) Department, Government of Rajasthan, under Section 11(1) of the Act of 2013 proposing acquisition of 130.349 hectares of private land in the aforesaid location alongside 2.476 hectares of government land for establishment works of the Forward Composite Aviation Base ('FCAB') under the Defence Estate Officer Circle Bikaner, Ministry of Defence(Annex.1). In pursuance of the procedural safeguards mandated under the Act of 2013, a prior Notification under Section 4(1) thereof was issued on 30.03.2022 for conducting the Social Impact Assessment ('SIA') Study, as referenced in the Notification dated 14.11.2023(Annex.1). The petitioners contend that the mandatory requirements for the SIA were flagrantly violated, as





the authorities proceeded to issue the Preliminary Notification(Annex.1) under Section 11(1) of the Act of 2013 on 14.11.2023 without conducting the requisite public hearing and without the involvement of the affected agriculturists. Furthermore, the preliminary Notification dated 14.11.2023(Annex.1) is challenged on the grounds that it was issued not within the statutory 12-month period from the appraisal of the SIA Report, with the authorities allegedly concealing the relevant date. Following this, the mandatory preliminary survey under Section 12 was entirely bypassed, and the hearing of objections under Section 15 was conducted in a cursory and mechanical manner, leading to the rejection of all objections without proper basis. A significant violation highlighted is the complete non-compliance with the provisions governing Rehabilitation and Resettlement ('R&R'). Despite the appointment of the Divisional Commissioner as the Administrator for the R&R Scheme in the preliminary Notification, no R&R Scheme was ever prepared, shared with the affected agriculturists, or subjected to the mandatory public hearing under Section 16 of the Act of 2013. Ignoring these foundational procedural defects, the authorities advanced to the subsequent stages, publishing the Declaration under Section 19(1) of the Act of 2013 on 12.11.2024(Annex.7). This Declaration, made following a joint survey, is also challenged on the ground that the authorities failed to carry out the necessary requirements subsequent to its publication. The final culmination of the proceedings, the Award dated 25.07.2025, is also challenged, as it was passed straight away and is alleged to be in direct





contravention of the mandatory requirements of Sections 26 and 27 of the Act of 2013 concerning the fair determination of compensation. Under these circumstances of alleged continuous and deliberate bypassing of the mandatory scheme of the 2013 Act, the petitioners, being aggrieved, have preferred the instant writ petition to challenge and seek the quashing of the Preliminary Notification dated 14.11.2023(Annex.1), the rejection of objections, the Declaration dated 12.11.2024(Annex. 7), the Award dated 25.07.2025(Annex.8), and the entire land acquisition proceedings.

3. Learned Counsel for the Petitioners submits that the statutory safeguards incorporated to protect the rights of agriculturists have been disregarded at every stage, rendering the impugned actions unsustainable in law. He submits that the respondents failed to conduct the mandatory public hearings envisaged under the Act, although, the preliminary Notification refers to the issuance of the SIA Notification dated 30.03.2022 (Annex.R/1), no public hearing under Section 5 of the Act of 2013 was conducted, nor were any notices issued to the affected agriculturists.

3.1. He submits that the record neither indicate as to when the Expert Group appraised the SIA report or approved it, nor does it indicate whether the preliminary Notification dated 14.11.2023(Annex.1) under Section 11(1) of the Act of 2013 was issued within one year of such appraisal and in the absence of a lawful SIA process, the entire acquisition stands vitiated, and the SIA, if prepared, must be deemed to have lapsed.





3.2. He further submits that the publication of a preliminary Notification dated 14.11.2023 (Annex.1) under Section 11(1) of the Act of 2013 must be followed by a preliminary survey of the land under Section 12 of the Act of 2013 which was never carried out and there is no material which suggests that any on-site inspection or interaction with agriculturists took place. Since several statutory rights, including those relating to rehabilitation and resettlement, flow from the survey report, the failure to conduct this survey under Section 12 of act of 2013 strikes at the very root of the acquisition and invalidates all consequential proceedings.

3.3. He contends that the objections filed by the petitioners and other affected persons under Section 15 of Act of 2013 were rejected in a cursory, mechanical manner, without any proper application of mind (Annex.2).

3.4. He further contends that the order rejecting objections (Annex.4 and 5) is unreasoned and unsupported by relevant material, even objections specifically relating to rehabilitation and resettlement, which were referred to the Land Acquisition Officer for determination, remained unaddressed. He further submits that this mechanical rejection defeats the statutory right to object and, therefore, vitiates the entire acquisition process.

3.5. Learned counsel for the petitioners further fervently highlights the fact that the statutory procedure under Section 16 of Act of 2013 regarding preparation of the Rehabilitation and Resettlement Scheme has not been followed and also, no survey or census was conducted by the Administrator, no draft scheme





was prepared in consultation with affected families, and the mandatory public hearing under Section 16(5) of Act of 2013 was not held. In addition, he submits that the authorities presumed, without basis, that the agriculturists possessed alternate means of livelihood, whereas their only livelihood is dependent on the acquired agricultural land.

3.6. He further submits that such non-compliance with Section 16 of Act of 2013, nullifies all subsequent steps. He further submits with respect to the award dated 25.07.2025 (Annex.8), that the same is based on a false narration of events. Although, the record mentions preparation of an award on 09.07.2025 (Annex.8), the minutes of the meeting held on that date reveal only discussions with the Ministry of Defence and no preparation or finalization of any award. On this ground alone, counsel for the petitioners implores the Court to set aside the impugned award dated 25.07.2025.

3.7. Learned counsel for the petitioners contends that the award violates Sections 26 and 27 of the Act of 2013, as the Collector failed to consider relevant sale deeds and market data of the surrounding area as instead of applying the statutory formula for determining average sale prices and market value, the authority completed the exercise as a mere formality.

3.8. Relying on the aforesaid grounds, learned counsel for the petitioners implored the Court to quash and set aside the impugned proceedings in *toto* and also prays for acceptance of the instant writ petition.

3.9. Learned counsel for the petitioners further submits that the impugned acquisition stands vitiated in view of the legal





principles settled by the Hon'ble Supreme Court. Reliance is placed on ***Rajendra Shankar Shukla v. State of Chhattisgarh, (2015) 10 SCC 400***, wherein the Hon'ble Apex Court reaffirmed that the right to property under Article 300-A is a constitutional right and that any acquisition or dispossession undertaken without strict adherence to statutory procedure and payment of fair compensation is unconstitutional. Reference is also made to ***State of U.P. v. Manohar, (2005) 2 SCC 126***, wherein Hon'ble Apex held that the State cannot forcibly dispossess any person of land without following due process of law, and that taking possession without lawful acquisition and compensation amounts to a violation of Article 300-A. Learned counsel further relies on ***State of U.P. v. Basant Kumar, (2005) 12 SCC 77***, wherein Hon'ble Apex held that statutory procedural safeguards—such as issuance of notice, grant of hearing, and conduct of proper inquiry—are mandatory, and any deviation from these requirements renders the entire acquisition invalid. Attention is also drawn to ***Lajja Ram v. State of Punjab, (2013) 11 SCC 235***, wherein it was held that land vests in the State only after a lawful award is passed and actual possession is taken in accordance with law. Counsel further refers to ***Gojer Brothers Pvt. Ltd. v. State of West Bengal, (2013) 16 SCC 660***, wherein the Supreme Court held that failure to comply with mandatory procedural requirements under the acquisition statute renders the action legally unsustainable. On the strength of these authorities, it is submitted that the respondents have failed to follow the mandatory safeguards under the Act of 2013, depriving the petitioners of their property





without due process, and therefore the acquisition warrants interference.

4. *Per contra*, Mr.Deelip kawadia, learned counsel representing the Union of India (Defence Estates Officer), Bikaner, on the contrary, makes following submissions:-

4.1. He contends that the writ petition is wholly devoid of merit and deserves to be dismissed at the threshold. He submits that the award dated 25.07.2025 (Annex.8) was declared by the Competent Authority after convening the requisite meeting. Determination of compensation, including assessment of market value and valuation methodology, lies exclusively within the jurisdiction of statutory authorities under the Act. Questions relating to valuation or adequacy of compensation involve disputed facts and are not amenable to adjudication under Article 226, especially when statutory remedies are available.

4.2. He submits that the acquisition of 328 acres of land near the Indo-Pak border for establishing the FCAB at Lalgargh Jattan is a project of critical strategic importance, directly linked to national security and defence preparedness. The proceedings have reached their final stage, and any interference at this stage would seriously impede the timely execution of a vital defence installation.

4.3. He further submits that the SIA was duly conducted through M/s Prabhu Foundation under Chapter II of the Act of 2013. The report documents consultations with local residents, photographs (Annex. R/1), and public hearings. Notices were widely circulated at government offices and published in newspapers. Pursuant to the notice (Annex. R/2) dated





19.09.2022, a formal public hearing was held on 27.09.2022 (Annex. R/4), where objections were received, considered, and recorded the same day. These proceedings fully comply with the statutory requirements of transparency and public participation, rendering the petitioner's allegations unfounded.

4.4. He further contends that after completion of the SIA process, an Independent Multi-Disciplinary Expert Group was constituted (Annex.R/5) under Section 7 of Act of 2013, which evaluated the SIA report and furnished recommendations(Annex. R/6). The Land Acquisition Officer forwarded the appraisal to the District Collector, and the preliminary Notification dated 14.11.2023 (Annex.1) under Section 11 of Act of 2013 was subsequently issued and published in the Rajasthan Gazette on 14.11.2023 (Annex.R/8), well within the statutory period of twelve months from the date of SIA appraisal. Thus, the contentions of delay or procedural irregularity are, according to counsel, misleading and contrary to the record.

4.5. He further submits that the Notification dated 14.11.2023 (Annex.1) issued under Section 11 of the Act, 2013 clearly provides a 60-day period for filing objections before the Collector under Section 15 of Act of 2013, as stated in the concluding unnumbered paragraph of the Notification dated 14.11.2023 (Annex.1). Hence, the petitioners cannot be allowed to stall or delay a project of such paramount national significance.

4.6. He further submits that with respect to objections under Section 15 of Act of 2013 that each objection was





examined in detail. Reports were obtained from the Tehsildar and other relevant departments, and reasoned orders were passed rejecting the objections (Annex.R/9). The Tehsildar's report, corroborated by the SIA findings, clearly records that no residential or commercial structures were affected and no displacement or rehabilitation was necessitated. The contention of improper consideration of objections is therefore misconceived.

4.7. He further fervently contends that affected landowners were duly informed at every stage. Notices for joint survey dated 20.08.2024 (Annex.R/10) were issued to all concerned persons to ensure their participation and thus, those who chose not to attend were informed that the proceedings would lawfully continue in their absence. Joint surveys were accordingly conducted with the participation of available landholders, and all relevant data were recorded transparently. Hence, the plea of violation of natural justice or lack of notice is untenable.

4.8. Learned counsel for the respondent further submits that the State Government, by Notification dated 14.11.2023 (Annex.1), appointed the Divisional Commissioner, Bikaner, as Administrator under Sections 16 to 18 of the Act of 2013. Pursuant to the appointment, a detailed survey was conducted on 16.10.2024, and the Administrator submitted a report on 28.10.2024 concluding that none of the affected families required rehabilitation or resettlement (Annex.R/11), as no residential house, building, or livelihood source was adversely impacted. The number of eligible families were nil, and





therefore, the provisions of Section 16 of Act of 2013 has no application.

4.9. In view of aforesaid arguments, learned counsel for the respondent submits that the entire acquisition was undertaken in full conformity with the Act of 2013. Procedural safeguards, opportunities of hearing, and statutory requirements were strictly followed. The petitioners have failed to demonstrate any violation of law or any prejudice suffered by them. Their allegations are vague, unsupported by record, and constitute an abuse of process. The writ petition, therefore, deserves to be dismissed with costs.

4.10. Learned counsel for the respondent further submits that the legality of the acquisition stands fortified by authoritative judicial pronouncements. Reliance is placed on the judgment of the Hon'ble Supreme Court in ***Estate Officer, Haryana Urban Development Authority v. Nirmala Devi*** Civil Appeal No.7707/2025, wherein it was held that rehabilitation is not mandatory in every acquisition and that a claim of deprivation of livelihood cannot, by itself, invalidate acquisition proceedings when compensation is duly provided under the Act of 2013. Reference is also made to ***Heera Singh Pangtey v. State of Uttarakhand 2022 SCC OnLine Utt 149***, where it was held that individual or community rights cannot override the defence needs of the country, and that statutory protections cannot dilute or impede land acquisition undertaken for national security purposes. Further reliance is placed on ***Lalita Devi v. State of Bihar***, Civil Writ Jurisdiction Case No. 4562/2022 decided by the Patna High Court, holding





that even if procedural irregularities in the SIA process or consideration of expert recommendations are alleged, the High Court, in exercise of its discretionary jurisdiction under Article 226, would not interfere with large-scale public infrastructure projects.

5. Learned counsel for the respondent-State submits that the writ petition is wholly untenable as the land has been acquired for establishing the FCAB, a project of critical national security importance arising from operational requirements under Operation Sindoor. The acquisition is essential for defence preparedness, and no challenge to such a strategic project is maintainable under Article 226.

5.1. Learned counsel for the respondent-State further submits that the petition is hopelessly barred by delay and laches, as the acquisition proceedings began in 2022 and culminated in the final award dated 25.07.2025. Despite being aware of each stage, the petitioners remained silent and have approached this Court only after the award, which is legally impermissible. Their prolonged inaction amounts to clear acquiescence, especially when compensation of nearly ₹22 crores already stands sanctioned.

5.2. Learned counsel for the respondent-State also submits that the entire process was undertaken strictly in accordance with the 2013 Act. The SIA was conducted after due public consultation, objections were invited and considered, statutory committees were constituted, and all recommendations were duly forwarded to the competent authority (Annex.R/1 to R/6).





5.3. Learned counsel for the respondent-State further contends that the acquisition proceedings were conducted strictly in accordance with the RFCTLARR Act, 2013. The acquisition proposal and SIA Report were duly examined at the competent level and found to serve a bona fide public purpose (Annex.R/7). Accordingly, the Notification for acquisition of 132.825 hectares was issued on 14.11.2023 (Annex. 1) and published in two local newspapers on 06.12.2023 (Annex.R/13). All affected persons were invited to file objections within sixty days, and the sixteen objections received were duly considered and decided.

5.4. Learned counsel for the respondent-State further submits that all objections filed under Section 15 of the Act of 2013 were duly received, examined and decided in accordance with law, and no material has been placed on record by the petitioners to show that they are entitled to rehabilitation. The preliminary survey, which forms the statutory basis for determining eligibility, clearly records that the petitioners do not fall within the category of persons requiring rehabilitation, and therefore no such benefit can be extended to them.

5.5. Learned Counsel for the respondent-State further submits that a joint survey dated 16.10.2024 was conducted, and the survey report dated 16.10.2024 was examined for rehabilitation and resettlement. The competent authorities, including the Administrator under Section 16 of act of 2013, found that no affected person required rehabilitation, and therefore no scheme was necessary. A declaration under Section 19 of Act of 2013 was issued and published on 27.11.2024.





Marking, measurement, and compensation assessment were completed as per law, and a committee was constituted for distribution. No objection was filed against the declaration dated 12.11.2024 (Annex.7), including by the petitioners, indicating finality of the process.

5.6. Learned counsel for the respondent-State further submits that the grievance of the petitioners regarding conversion of uncommand land to command land or supply of water is wholly misconceived, as no such relief is contemplated within the scope of acquisition proceedings under the Act. The only legal entitlement arising from acquisition is the determination of land value, which has been duly assessed, and the petitioners shall receive compensation strictly in accordance with the provisions of the Act.

5.7. Learned counsel for the respondent-State further submits that no irregularity or lapse occurred at any stage. Public notices were issued, objections were addressed, surveys were undertaken, and all actions were supported by statutory compliance and documentary record. The presumption of legality attaches to these proceedings, and the petitioners have produced no material to rebut it. Contentions regarding lack of hearing, faulty surveys, or entitlement to rehabilitation are wholly unfounded.

5.8. Learned counsel for the respondent-State further submits that the award dated 25.07.2025 (Annex.8) was passed in compliance with Sections 20-23 of Act of 2013 after due notice, and relevant documents were made available. The





respondents have acted in good faith and strictly within the statutory framework, and no violation of rights is made out.

5.9. In the view of the aforesaid submissions, learned counsel for the respondent-State submits that the writ petition is devoid of merit, suffers from absence of any cause of action, and does not warrant exercise of extraordinary jurisdiction under Article 226. The petition, therefore, deserves to be dismissed.

5.10. Learned counsel for the respondent-state further submits that the legality of the acquisition is reinforced by several authoritative judicial pronouncements. Reliance is placed on **Dr. Abraham Pattani v. State of Maharashtra, 2023 (11) SCC 70**, wherein the Hon'ble Supreme Court held that substantive compliance with statutory requirements is sufficient, and that public interest must prevail over individual objections, particularly in projects of wider societal importance. In **Ramniklal N. Bhutta v. State of Maharashtra, 1997 (1) SCC 134**, the Supreme Court held that courts must balance equities in acquisition matters and that monetary compensation is ordinarily an adequate remedy to safeguard private interests. Reference is also made to **Ramjilal Veerji Patel v. Revenue Divisional Officer, 2011 (10) SCC 643**, which held that suitable compensation enabling landowners to purchase alternative land satisfies the statutory mandate, and that judicial review in acquisition matters is limited. Furthermore, in **Nandkishore Gupta v. State of U.P., 2010 (10) SCC 282**, the Apex Court held that where the overwhelming majority of affected persons accept the acquisition, objections raised by a few cannot derail the project. Reliance is further placed on





Aflatoon v. Lt. Governor of Delhi, (1975) SCC 285, wherein it was held that belated challenges to completed acquisition proceedings cannot be entertained. Furthermore, in **Indore Development Authority v. Manoharlal, (2020) SCC 129**, the Supreme Court reiterated that once an award has been passed and possession taken, acquisition cannot be reopened on technical or procedural grounds. Similarly, in **State of Rajasthan v. D.R. Laxmi, (1996) 6 SCC 445**, it was held that acquisition, once final, cannot be questioned after prolonged delay. Further reliance is placed on **Urban Improvement Trust, Udaipur v. Bheru Lal, (2002) 7 SCC 712**, where the Court held that after vesting of land and passing of the award, the High Court should decline to interfere unless there is fraud or absence of jurisdiction. On the strength of these consistent principles, learned counsel submits that no ground is made out for judicial interference, and the writ petition deserves dismissal.

6. After having bestowed anxious consideration to the pleadings, rival submissions and documentary material placed on record, as well as the judgments cited, this Court proceeds to record its observations as hereinafter.

7. The Court has meticulously perused the contention of the petitioners that the mandatory public hearing under Section 5 of the Act of 2013 for the SIA was not conducted, with no notices issued to affected agriculturists, rendering the SIA process deficient. On the perusal of the record and considering submissions of the respondent counsels, this court finds that a formal public notice was issued for hearing objections under Section 5 of Act of 2013 against the SIA, specifying the date as





27.09.2022 (Annex.R/2). This ensured that affected persons received timely information and a fair chance to participate, aligning with principles of natural justice and statutory requirements for transparency in land acquisition. The relevant statutory provision, being Section 5 of the Act of 2013, is herein reproduced for ready reference:



“5. Public hearing for Social Impact Assessment.– Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.”

7.1. From the material available on record, this Court discerns that that the public hearing on 27.09.2022 is evidenced by photographic images (Annex.R/1) which is itself part of SIA report, depicting active participation by the local community and officials. These visuals confirm the event's conduct in an open and inclusive manner, with clear attendance of stakeholders voicing concerns.

7.2. The newspaper publication of the public hearing notice for the purpose of SIA hearing (Annex.R/3), verifies widespread publicity to reach all potential objectors effectively. This step through local media ensured accessibility and broad awareness, meeting legal standards for disseminating information as to SIA.

7.3. This Court further finds that the minutes of the public hearing meeting held on 27.09.2022 meticulously documents the names of the affected persons (Annex.R/4), the nature of



their objections, and the manner in which those objections were addressed. This detailed record epitomizes the fair and accountable disposal of grievances and reflects adherence to the norms of natural justice, fostering confidence in the decision-making process and compliance of Section 5 of Act of 2013.

7.4. Thus, In view of the foregoing discussion, this Court is of opinion that the SIA report (Annex.R/1) incorporates a detailed account of the public hearing, including the objections raised and how they were resolved which is in accordance with Section 5 of Act of 2013. This incorporation ensures that the input from the public has been conscientiously considered in shaping the final assessment. Such integration substantiates the thoroughness of the SIA and compliance with all procedural requirements, thereby reinforcing the legitimacy of the acquisition process.

8. This Court has perused the contentions of the petitioners that the record does not disclose of the appraisal of the SIA report by the Expert Group or its subsequent approval, and that the preliminary Notification dated 14.11.2023 (Annex.1) under Section 11(1) of the Act of 2013 was not issued within the prescribed twelve-month period from such appraisal, rendering the SIA lapsed and mandating a fresh exercise..The relevant statutory provision, being Section 7 of the Act of 2013, is herein reproduced for ready reference:

"7. Appraisal of Social Impact Assessment report by an Expert Group.-

(1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.





(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

- (a) two non-official social scientists;
- (b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;
- (c) two experts on rehabilitation; and
- (d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

- (a) the project does not serve any public purpose; or
- (b) the social costs and adverse social impacts of the project outweigh the potential benefits, it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, in spite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

- (a) the project will serve any public purpose; and
- (b) the potential benefits outweigh the social costs and adverse social impacts, it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.

(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be





prescribed and uploaded on the website of the appropriate Government.”

8.1. On perusal of record and submission advanced, this Court notices that an Independent Multi-Disciplinary Expert Group was duly constituted by the District Collector in accordance with Section 7 of the Act of 2013 (Annex.R/5). This Expert Group examined and appraised the SIA report and provided its evaluation and recommendations and that Expert Group concluded the upon conducting an on-site inspection, the Committee finds that the land proposed for acquisition is required for the FCAB and is in the public interest as well as in the national interest (Annex.R/6). The process of appraisal is thus shown to be in full conformity with the statutory provision under Section 7 of Act of 2013

8.2 Accordingly, Upon cumulative consideration of the material, this court discerns that the Expert Group’s appraisal was conducted in a lawful and timely manner, and satisfies all procedural requirements. The land acquisition is validated by the Expert Group’s findings and recommendations, which confirm the project’s public purpose and necessity.

8.3 This Court has considered the submission advanced in respect of the preliminary notification, that the Preliminary Notification dated 14.11.2023 (Annex.1) under Section 11(1) of the Act of 2013 was not issued within the prescribed twelve-month period from such appraisal, rendering the SIA lapsed and mandating a fresh exercise. The relevant statutory provision, being Section 11 of the Act of 2013, is herein reproduced for ready reference:





“11. Publication of preliminary notification and power of officers.-

(1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

- (a) in the Official Gazette;
- (b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
- (c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;
- (d) uploaded on the website of the appropriate Government;
- (e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this subsection:

Provided further that any loss or injury suffered by any person due to his willful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19,





undertake and complete the exercise of updating of land records as prescribed within a period of two months.”

8.4. This Court is also of the considered view that the preliminary Notification under Section 11(1) of the Act was issued on 14.11.2023 and duly published in the Rajasthan Gazette (Annex.R/8). This issuance is clearly within the statutory period of twelve months from the date of the appraisal, thus negating any claim of expiry or lapse of the SIA report.

8.5. Accordingly, this Court holds that the Notification dated 14.11.2023 (Annex.1) was issued in conformity with statutory timelines and legal requirements. The contention that the SIA report has lapsed, warranting a fresh exercise, is unsustainable in view of the record. The acquisition proceedings maintain their legality and validity, having been conducted in strict observance of the temporal and procedural safeguards prescribed by law. This finding reinforces the sanctity of the process and upholds the rule of law in the administration of land acquisition matters.

9. This Court has categorically examined the contention of the petitioners that the record furnished by the authorities fails to establish that any preliminary survey under Section 12 of Act of 2013 was conducted in the present proceedings. It is alleged that there is no indication of any on-the-spot assessment or engagement with the affected agriculturists, and therefore the claim that the rehabilitation and resettlement scheme would be governed by the survey report is without basis as no such report exists. It is argued that the absence of the preliminary survey invalidates the entire process, rendering it non est in law and





necessitating quashing of the proceedings in *toto*. The relevant statutory provision, being Section 12 of the Act of 2013, is herein reproduced for ready reference:

“12. Preliminary survey of land and power of officers to carry out survey.—

For the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

- (a) to enter upon and survey and take levels of any land in such locality;
- (b) to dig or bore into the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner:

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey:

Provided also that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.”

9.1. On a careful scrutiny of the record and considering the submission advanced, it emerges that the respondent authorities have issued notices for a joint survey dated 20.08.2024 (Annex.R/10) to all concerned persons, enabling





inspection and active participation in the survey process. Those landowners who were unwilling or absent were duly informed that the proceedings would continue lawfully notwithstanding their absence. This Court notes that a specific notice dated 20.08.2024 (Annex.R/10) indicating that a joint survey will be conducted on 16.10.2024, expressly communicating the requirement for affected persons to be present at the survey location. This notice (Annex.R/10), along with the conduct of the joint survey dated 16.10.2024 as documented, demonstrates compliance with the statutory mandate under Section 12 of act of 2013, which envisages a preliminary survey to facilitate an on-the-spot assessment of the land and engagement with the affected parties. Accordingly, the Court holds that the absence of a survey report, as alleged, is unfounded. The preliminary survey was lawfully conducted, and the process remains valid and untainted by the objections raised. The proceedings cannot be quashed on this ground.

10. This Court now proceeds to examine the contention of the petitioners that the statutory opportunity afforded to the agriculturists under Section 15 of the Act of 2013 was rendered illusory, inasmuch as the Land Acquisition Officer failed to objectively consider and decide the objections raised by the affected agriculturists and instead rejected the same in a cursory and mechanical manner, without due application of mind. The relevant statutory provision, being Section 15 of the Act of 2013, is herein reproduced for ready reference:

"15.Hearing of objections.- (1) Any person interested in any land which has been notified under sub-section (1) of section 11,





as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

- (a) the area and suitability of land proposed to be acquired;
- (b) justification offered for public purpose;
- (c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.”

10.1. From a holistic appraisal of the record, this Court finds that the petitioners duly preferred specific objections under Section 15 of Act of 2013 before the Land Acquisition Officer (Annex.2). Thereafter, the Land Acquisition Officer appropriately directed the Tehsildar and Executive Officer to address and decide the objections falling within their respective domains (Annex.3). The Tehsildar thereupon proceeded to decide all such objections point-wise, insofar as they pertained to his domain, and submitted a detailed compliance report to the Land Acquisition Officer (Annex.4). Finally, the Land Acquisition Officer, upon receipt of all requisite reports, passed a comprehensive speaking order in his order sheet, wherein each and every objection preferred was categorically dealt with and disposed off (Annex.5).





10.2. This sequential and structured process—commencing with the filing of objections, delegation to domain experts for specialised input, point-wise adjudication by the Tehsildar, and culminating in a final reasoned order by the Land Acquisition Officer—exemplifies strict adherence to the mandate of Section 15 of Act of 2013, the principles of natural justice, and the audi alteram partem rule. The objections were neither summarily dismissed nor mechanically rejected, but subjected to a multi-layered, proper evaluation, ensuring procedural fairness and substantive justice. This Court, therefore, concludes that there is no infirmity whatsoever in the handling of objections under Section 15 of act of 2013. The process stands fully validated, and the contention to the contrary is rejected as devoid of merit.

11. This Court has further examined the contention of the petitioners that the authorities did not undertake the proceedings required under Section 16 of the Act of 2013, including the undertaking of any survey or census and preparation of a draft Rehabilitation and Resettlement (R&R) scheme in consultation with the affected persons. The relevant statutory provision, being Section 16 of the Act of 2013, is herein reproduced for ready reference:

“16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator—

(1) Upon the publication of the preliminary Notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—

- (a) particulars of lands and immovable properties being acquired of each affected family;





- (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;
- (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;
- (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and
- (e) details of any common property resources being acquired.

(2) The Administrator shall, based on the survey and census under sub-section(1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—

- (i) a list of Government buildings to be provided in the Resettlement Area;
- (ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme.

(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:

Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:

Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).





(6) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.”

11.1. The record provides that the Divisional Commissioner, Bikaner, was appointed as the Administrator for the purpose R&R scheme, therefore, the administrator directed (Annex.R/11 dated 21.10.2024), the Sub-Divisional Officer, Sadulshahar, to conduct a detailed survey and census of families affected by rehabilitation and resettlement under section 16 of the Act of 2013. In compliance, the Sub-Divisional Officer conducted a joint survey dated 16.10.2024 (Annex.R/10) with the aid and assistance of requisite authorities.

11.2. According to the such joint survey report received from the Sub-Divisional Officer, the total number of cultivators affected by the proposed land acquisition is 162. Out of these, the entire land of 86 cultivators is to be acquired; however, not a single cultivator's residential house or building is being acquired (Annex.R/11). Finally, the Administrator submitted joint survey report dated 16.10.2024 to the District Collector, Shri Ganganagar, affirming that as per the joint survey dated 16.10.2024, there was no acquisition of any residential house, the rights to livelihood of agriculturalists had not been affected, and accordingly, Nil families were entitled to rehabilitation and resettlement (Annex.R/12).

11.3. Having regard to the above discussion, this Court finds that the authorities have scrupulously complied with the statutory requirements under Section 16 of Act of 2013. The





detailed survey and census were undertaken as mandated, and the findings logically rendered the preparation of an R&R Scheme unnecessary. The procedure followed affirms adherence to the legislative intent, safeguarding the rights of the affected persons while ensuring lawful acquisition proceedings. Therefore, the argument of non-compliance with Section 16 of act of 2013 is without substance and is hereby rejected.

12. This Court has examined the plea of the petitioners that a public hearing mandated under Section 16(5) of the Act of 2013 was not held by the Administrator, thereby vitiating the land acquisition proceedings on grounds of illegality and arbitrariness. On an objective assessment of the record and rival submissions advanced, this Court finds that the conditions triggering the holding of such a public hearing did not arise in the instant case. The detailed joint survey dated 16.10.2024 and subsequent reports conclusively established that Nil families were entitled to rehabilitation and resettlement, effectively rendering the provisions of Section 16(5). The statutory mandate for a public hearing in the context of rehabilitation and resettlement is expressly conditioned upon the authority's satisfaction of the necessity to prepare a Rehabilitation and Resettlement scheme. The primary purpose of such a hearing is to facilitate the preparation of a draft scheme with due consultation from the affected parties.

12.1. Therefore, given the unequivocal finding that the families entitled to rehabilitation and resettlement are "Nil" (Annex.R/11 and R/12), the absence of a public hearing and the non-preparation of a draft scheme are entirely justified and





compliant with the legislative scheme and intent. Consequently, the Court holds that there is no procedural or legal infirmity in this regard, and dismisses the contention as devoid of any substance.

13. This Court after thorough examination has considered contention of the petitioners that the award dated 25.07.2025 is vitiated on multiple grounds, notably the absence of any preparatory award on 09.07.2025 as purported, reflected by the minutes of the meeting on that day which only record discussions but no award preparation, thus rendering the subsequent 25.07.2025 award liable for being declared based on false narration and non-existent proceedings and also the contention that the award violates Sections 26 and 27 of the Act of 2013 by ignoring sale deeds and market data, and applying the statutory formula perfunctorily, rendering the award dated 25.07.2025 (Annex.8) arbitrary and illegal. The relevant statutory provisions, Section 26 and 27 of the Act of 2013, is herein reproduced for reference:

“26. Determination of market value of land by Collector.-

(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

- (a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:





Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1.—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent, of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:





Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. Determination of amount of compensation.—The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.”

13.1. The records indicates that the Land Acquisition Officer, as the Competent Authority under the Act, lawfully declared Award No. 2025/602 (Annex.8) on 09.07.2025 after conducting the requisite meeting for the purpose of hearing the necessary objections. Furthermore, this court observes that the ambit with regard to determination of compensation and the methodology employed fall strictly within the statutory jurisdiction and technical domain of the designated authorities. Such valuation matters involve disputed questions of fact and, as such, are appropriately subject to statutory remedies provided under the Act, rather than being amenable to challenge in writ proceedings under Articles 226 and 227 of the Constitution of India.

13.2. This Court is conscious of the existence of an alternative statutory remedy under Section 64 of the Act of 2013, which allows any person aggrieved by the award to prefer a Reference before the Collector, providing a mechanism for





redressal within the statutory framework. The relevant statutory provision, being Section 64 of the Act of 2013, is herein reproduced for reference:

“64. Reference to Authority–

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector’s award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector’s award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

13.3. The Court is, therefore, of the considered opinion that the alleged procedural lapses and valuation disagreements do not provide a basis for interfering with the award or the acquisition at this stage. The remedy lies exclusively within the





statutory mechanism, and the writ petition is not the proper forum to probe into such factual and valuation controversy.

14. Having regard to the factual matrix as observed above and the principles of law and judicial precedents considered herein, this Court finds it appropriate to apply the legal framework to the facts of the present case. The observations on the procedural and substantive irregularities must be evaluated in the light of the statutory provisions and the settled legal position, so as to determine whether the contentions raised merit any interference with the award or acquisition proceedings.

15. This Court is guided by the law laid down by the Hon'ble Supreme Court in ***Union of India v. Kushala Shetty & Ors., (2011) 12 SCC 69***, wherein it has been authoritatively held that the power of judicial review in land acquisition matters is extremely limited and interference is permissible only in the rarest of rare cases where the acquisition is ex facie contrary to law or is vitiated by mala fides. The Supreme Court has further held that the courts are not equipped to examine the viability or feasibility of a project or whether the particular alignment subserve public interest. The relevant extract of the said judgment is reproduced hereinbelow for reference:

"24. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects





relating to development and maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if it is found to be ex facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither has any violation of mandate of the 1956 Act been established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained."

Applying the aforesaid settled principle to the present case, this Court finds that neither any violation of the mandate of the Act of 2013 has been established nor any mala fide has been pleaded or proved. Consequently, no ground for interference in the acquisition proceedings is made out.

16. Though the present case is not one where statutory violations are found, this Court also keeps in mind the caution sounded by the Hon'ble Supreme Court in ***Kedar Nath Yadav v. State of West Bengal (2017) 11 SCC 601***, that the mandatory procedure prescribed for acquisition cannot be treated as an empty formality and must be strictly followed. In the present factual matrix, however, the record conclusively establishes that the Social Impact Assessment, public hearing under Section 5 of Act, expert appraisal under Section 7, objection proceedings under Section 15 of Act of 2013, joint survey under Section 12 of Act of 2013, provisions of R&R Scheme under Section 16 and declaration under Section 19 of Act of 2013 have all been conducted strictly in accordance with





law. Therefore, the acquisition cannot be termed as void ab initio.

17. This Court is further guided by the decision in **Ramniklal N. Bhutta(supra)**, wherein the Hon'ble Supreme Court held that while exercising jurisdiction under Article 226 in land acquisition matters, the Court must balance public interest against private interest and that monetary compensation is ordinarily an adequate remedy. The Supreme Court has cautioned that acquisition proceedings should not be lightly interdicted. The relevant extract of the said judgment is reproduced hereinafter for reference:

"10. Before parting with this case, we think it necessary to make a few observations relevant to land acquisition proceedings. Our country is now launched upon an ambitious programme of all-round economic advancement to make our economy competitive in the world market. We are anxious to attract foreign direct investment to the maximum extent. We propose to compete with China economically. We wish to attain the pace of progress achieved by some of the Asian countries, referred to as "Asian tigers", e.g, South Korea, Taiwan and Singapore. It is, however, recognised on all hands that the infrastructure necessary for sustaining such a pace of progress is woefully lacking in our country. The means of transportation, power and communications are in dire need of substantial improvement, expansion and modernisation. These things very often call for acquisition of land and that too without any delay. It is, however, natural that in most of these cases, the persons affected challenge the acquisition proceedings in courts. These challenges are generally in the shape of writ petitions filed in High Courts. Invariably, stay of acquisition is asked for and in some cases, orders by way of stay or injunction are also made. Whatever may have been the practices in the past, a time has come where the courts should keep the larger public interest in mind while exercising their power of granting stay/ injunction. The power under Article 226 is discretionary. It will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And in the matter of land acquisition for public purposes, the interests of justice and





the public interest coalesce. They are very often one and the same. Even in a civil suit, granting of injunction or other similar orders, more particularly of an interlocutory nature, is equally discretionary. The courts have to weigh the public interest vis- à- vis the private interest while exercising the power under Article 226 — indeed any of their discretionary powers. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with some legal requirement that the persons interested shall also be entitled to a particular amount of damages to be awarded as a lump sum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceedings is not the only mode of redress. To wit, it is ultimately a matter of balancing the competing interests. Beyond this, it is neither possible nor advisable to say. We hope and trust that these considerations will be duly borne in mind by the courts while dealing with challenges to acquisition proceedings.”

17.1. In the present case, the land has been acquired for establishment of a defence aviation base of vital strategic importance, directly linked to national security and public interest of the highest order. The balance of convenience, equity and public interest overwhelmingly tilts in favour of allowing the acquisition to proceed.

18. Having recorded the factual findings, this Court now turns to consider the guidance provided by authoritative judgments on the right to property under Article 300-A. In ***D.B. Basnett (D) through LRs v. Collector, East District, Gangtok, Sikkim, (2020) 4 SCC 572***, the Hon’ble Supreme Court reaffirmed that although the right to property is no longer a fundamental right, it is still a constitutional right under Article 300-A, and any deprivation must strictly follow the procedure established by law. In the present case, the acquisition is backed by due statutory Notifications, public notices, hearings, surveys,





and award. Hence, the protection under Article 300-A stands fully satisfied.

19. Further, in **Kolkata Municipal Corporation & Anr. v. Bimal Kumar Shah & Anr. (2024) SCC 10 533**, the Hon'ble Supreme Court delineated seven procedural sub-rights flowing from Article 300-A, namely: notice, hearing, reasoned decision, public purpose, restitutive compensation, expeditious process and finality. The record categorically appreciates that each of these procedural sub-rights stands duly complied with in the present acquisition proceedings.

20. In consonance with the principles laid down in **D.B. Basnett(supra) and Kolkata Municipal Corporation(supra)**, the Court notes that even under **Vidya Devi v. State of Himachal Pradesh & Ors., (2020) 2 SCC 569**, wherein the Hon'ble Supreme Court held that forcible dispossession without due process violates Article 300-A and also a human right. In the present case, however, there is no forcible dispossession dehors the law; rather, acquisition has been carried out strictly under authority of law with a duly declared award and compensation mechanism, and therefore, the said principle stands fully satisfied.

21. The Court now refers to the judgments relating to land acquisition proceedings undertaken in connection with projects of national importance. This Court takes note of the law laid down in **Heera Singh Pangtey (supra)**, wherein it has been held that acquisition for national defence occupies the highest pedestal and the personal rights of individuals must yield to the larger national interest. Judicial review, in such cases, is





confined only to examining the existence of public purpose and adherence to due process. In the present case, the establishment of a FCAB near the Indo-Pak border is unquestionably a project of paramount national security, and the procedural safeguards have been fully complied with under the relevant statutory provisions of Act of 2013.

22. This Court observes that land acquisition undertaken for projects directly connected with national security constitutes an overriding public purpose of the highest order, where the interests of the State in ensuring defence preparedness and territorial integrity must prevail over individual claims. Such projects are integral to safeguarding the sovereignty of the nation, and therefore judicial scrutiny is confined to verifying the existence of a bona fide public purpose and compliance with the statutory procedure. Where the acquisition demonstrably advances national security objectives and is carried out in accordance with law, it warrants due deference and does not call for judicial interference.

23. So far as the grievance regarding livelihood and rehabilitation is concerned, the law laid down in ***State of Madhya Pradesh v. Narmada Bachao Andolan & Anr., (2011) 7 SCC 639*** is squarely applicable, where the Hon'ble Supreme Court held that acquisition does not per se amount to violation of the right to livelihood and that alternate rehabilitation is not an absolute enforceable right. In the present case, the joint survey dated 16.10.2024 categorically establishes that no residential house or primary livelihood structure is being





acquired, therefore, the claim for mandatory rehabilitation is legally untenable.

24. This Court notes the authoritative pronouncements emphasizing the essential role of public hearings in the process of land acquisition. In this regard of right of hearing under Section 5 and 15 of Act of 2013, the Hon'ble Supreme Court in ***Union of India v. Shiv Raj & Ors., (2014) 6 SCC 564*** held that the right of objection is not a mere formality and the Collector must pass a reasoned order after due consideration. From the material on record, it is manifest that the objections of the petitioners were duly examined, reports were called from concerned authorities and a detailed speaking order was passed. Hence, the mandate of fair hearing stands duly fulfilled.

25. This Court further finds that the challenge to the award dated 25.07.2025 essentially pertains to the adequacy and methodology of compensation. Such disputes involve questions of fact and technical valuation which fall squarely within the jurisdiction of the statutory forum under Section 64 of the Act of 2013. The writ jurisdiction cannot be invoked to substitute the statutory mechanism.

26. In view of the discussion made and the authoritative pronouncements referred to hereinabove, this Court concludes that the entire acquisition process has been conducted in strict conformity with the mandate of law. No infraction of Article 300-A of the Constitution is made out. All the mandatory statutory requirements relating to the right of hearing, survey, expert assessment, and rehabilitation and resettlement have been scrupulously adhered to. The acquisition, being integrally





connected with an overriding national security objective, subserves a compelling public and strategic interest of the highest order. The present writ petition, therefore, is nothing but a misconceived attempt to derail a lawfully concluded acquisition proceeding on hyper-technical grounds, concerning a project of vital national importance. Consequently, the writ petition stands dismissed. All pending applications, including any application for stay, shall also stand disposed of. There shall be no order as to costs.

(DR. NUPUR BHATI),J

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