



**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition Misc. Single No.2320 of 2018**

**31 March, 2026**

Kalam Singh

--Petitioner

**Versus**

Union of India Through Railway Ministry and Ors.

--Respondents

**Presence:-**

*Ms. Bhawna Kanwal, learned counsel holding brief of Mr. Pankaj Tangwan, learned counsel for petitioner.*

*Mr. Mukesh Kaparuwan, learned counsel holding brief of Mr. V.K. Kaparuwan, learned counsel for respondent Nos.1 and 2.*

*Mr. Devendra Pant, learned Standing Counsel for the State of Uttarakhand/respondent No.3.*

**Hon'ble Pankaj Purohit, J. (Oral)**

By means of the present writ petition filed under Article 226 of the Constitution of India, petitioner seeks a direction commanding the respondents to re-determine the compensation in respect of his house and shops acquired for the Rishikesh–Karnprayag Railway Line Project, and further to extend him the benefits of rehabilitation and resettlement as provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”).

2. The brief facts of the case are that, petitioner-Kalam Singh, is a resident of Village Dobh, Post Gholteer, District Rudraprayag. It is averred that petitioner had constructed a residential house and certain shops in the said village and he along with his family members was residing therein and carrying on business. It is not in dispute that his property, including the structures situated thereon, has been acquired for the



purposes of construction of Rishikesh–Karnprayag Railway Line Project. Notifications under provisions of the Act of 2013 were issued and an award came to be passed. Pursuant to the said award, compensation in respect of acquired property has been determined and the amount has been deposited in the bank account of petitioner. Petitioner has raised a grievance with regard to the determination of compensation, including the assessment of structures and extent of benefits extended under the provisions of the Act of 2013. It is also on record that petitioner submitted a representation dated 14.05.2018 to the concerned prescribe authority.

3. Learned counsel for petitioner submits that the action of respondents is arbitrary and contrary to provisions of the Act of 2013. It is argued that petitioner had constructed his residential house and shops in the year 2012–2013, however, respondents have wrongly assessed the same by taking the year of construction as 2006, thereby substantially reducing the amount of compensation payable to him.

4. He further submits that respondents have failed to take into account all existing structures, particularly, the cow shed, which has resulted in denial of legitimate compensation to petitioner. He submits that such omission is in clear violation of statutory mandate of the Act of 2013.

5. Learned counsel for petitioner also argued that petitioner has been deprived of benefits of rehabilitation and resettlement as provided under the Second Schedule of the Act of 2013, despite the fact that petitioner has lost both his residential house and his source of livelihood. It is submitted that the provisions relating to rehabilitation and resettlement are mandatory in nature and the respondents cannot withhold the same.



6. He further argued that petitioner had submitted a representation bringing these grievances to the notice of authorities, however, no decision has been taken thereon, compelling petitioner to approach this Court.

7. Learned counsel for the respondent Nos.1 and 2 submits that compensation in respect of the acquired property has been duly determined in accordance with the provisions of the Act of 2013 and the amount has already been deposited in the bank account of petitioner, which has also been accepted by him. He further submits that the grievances raised by petitioner pertain to the correctness of the valuation, measurement of structures and determination of compensation, all of which are essentially disputed questions of fact. Such issues, it is contended, cannot be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India.

8. He further contends that the Act of 2013 provides a complete mechanism for redressal of grievances, and in case the petitioner is dissatisfied with the award, he has an efficacious statutory remedy of seeking a reference under Section 64 of the Act of 2013 before the competent authority. Without availing such remedy, the petitioner has directly approached this Court, which renders the writ petition not maintainable.

9. It is also contended by him that benefits under the rehabilitation and resettlement scheme are to be determined in accordance with law and the same shall be extended to the eligible persons in due course. The respondents deny any illegality or arbitrariness in the action taken by them.

10. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the primary grievance of petitioner relates to the alleged improper determination of compensation,



including valuation of structures, year of construction and non-inclusion of certain constructions. It is not in dispute that an award has already been passed under the provisions of the Act of 2013 and the compensation amount determined thereunder has been deposited in the bank account of petitioner. Petitioner has accepted the said amount. Once an award has been passed and acted upon, and the compensation has been accepted by the petitioner, correctness of such determination ordinarily cannot be permitted to be reopened in exercise of writ jurisdiction. The issues raised by the petitioner, particularly with regard to the year of construction, measurement of structures and adequacy of compensation, are essentially disputed questions of fact, which would require appreciation of evidence and factual determination. Such an exercise cannot be undertaken by this Court in proceedings under Article 226 of the Constitution of India.

11. Further, the Act of 2013 provides a complete statutory mechanism for redressal of grievances relating to the award, including a remedy of reference under Section 64 of the Act. The petitioner, instead of availing said remedy, has approached this Court directly. It is well settled that where an efficacious alternative remedy is available, this Court would ordinarily decline to exercise its extraordinary jurisdiction. Insofar as the grievance relating to rehabilitation and resettlement benefits is concerned, the same also involves determination of entitlement on the basis of relevant facts and applicable provisions, which is required to be examined by the competent authority in accordance with law. No exceptional circumstance has been shown so as to warrant interference by this Court in exercise of its writ jurisdiction.



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12. In view of the aforesaid, this Court is of the considered opinion that the present writ petition is not maintainable, being hit by the availability of an alternative statutory remedy, involving disputed questions of fact, and the conduct of the petitioner in accepting the awarded compensation.

13. Accordingly, present writ petition is dismissed. However, it is open to petitioner to avail such remedy as may be available to him under law, including seeking a reference under Section 64 of the Act of 2013, if so advised.

14. Pending application(s), if any, stands disposed of.

**(Pankaj Purohit, J.)**

31.03.2026

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