HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 10433/2024
CNR: RJHC010475552024 | URN: CW / 20994U / 2024

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1. Jamnadas Sanadhya S/o Late Bhagwandas Sanadhya, aged about 73 years, Resident of 16 G, Sukhadiya Nagar, Nathdwara District Rajsamand (Raj.).
2. Madanlal Sharma, aged about 95 years, Resident of Adarsh Nagar, Nathdwara District Rajsamand (Raj.).
3. Navneetlal Sanadhya S/o Late Bhagwandas Sanadhya, aged about 83 years, Resident of Shreeji Kripa, Behind Krishna Motors, Lal Bagh, Nathdwara District Rajsamand (Raj.).
4. Rahul Sanadhya S/o Late Chimanlal Sanadhya, aged about 48 years, Resident of Anand Kunj, Near Ambawada Akhada, Gaushala Road, Nathdwara District Rajsamand (Raj.).

----Petitioners

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Deputy Chief Engineer (Construction)-II, North Western Railway, Old Indian Oil Corporation Depot, Sector 11, Hiran Magri, Udaipur.
3. Competent Authority (Land Acquisition Officer) Cum Sub Divisional Officer, Nathdwara District Rajsamand (Raj.).

----Respondents

Connected With

S.B. Civil Writ Petition No. 11742/2024
CNR: RJHC010536932024 | URN: CW / 23509U / 2024

Purushottam Mali S/o Shri Mangi Lal Mali, aged about 55 years, Resident of Shrinath Colony-A, Nathdwara District Rajsamand (Raj.).

----Petitioner

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.

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2. Deputy Chief Engineer (Construction)-II, North Western Railway, Old Indian Oil Corporation Depot, Sector-11, Hiran Magri, Udaipur.

3. Competent Authority (Land Acquisition Officer) Cum Sub Divisional Officer, Nathdwara District Rajsamand (Raj.).

----Respondents

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S.B. Civil Writ Petition No. 12248/2024
CNR: RJHC010563152024 | URN: CW / 24499U / 2024

1. Dinesh Chandra Sharma S/o Late Shri Sohan Lal Jangid, aged about 55 years, Resident of Vishwakarma Niwas, Gaushala Road, Nathuwas, Nathdwara, District Rajsamand (Raj.).

2. Tilkesh Chandra Sharma S/o Late Shri Sohan Lal Jangid, aged about 50 years, Resident of Shri Ji Kripa Gaushala Road, Nathuwas, Nathdwara, District Rajsamand (Raj.).

----Petitioners

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.

2. Deputy Chief Engineer (Construction)-II, North Western Railway, Old Indian Oil Corporation Depot, Sector 1, Hiran Magri, Udaipur.

3. Competent Authority (Land Acquisition Officer) Cum Sub Divisional Officer, Nathdwara District Rajsamand (Raj.).

----Respondents

S.B. Civil Writ Petition No. 14350/2025
CNR: RJHC010684092025 | URN: CW / 25891U / 2025

1. Rahul S/o Late Shri Chimanlal Sanadhya, aged about 49 years, Resident of Anand Kunj, Near Ambawada Akhada, Gaushala Road, Nathdwara District Rajsamand (Raj.).

2. Navneetlal Sanadhya S/o Late Shri Bhagwandas Sanadhya, aged about 84 years, Resident of Shreeji Kripa, Behind Krishna Motors, Lal Bagh, Nathdwara Distrcit Rajsamand (Raj.).

3. Jamnadas Sanadhya S/o Late Shri Bhagwandas Sanadhya, aged about 74 years, Resident of 16 G, Sukhadiya Nagar, Nathdwara District Rajsamand (Raj.).

----Petitioners

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Versus

1. State of Rajasthan through Secretary, Department of Revenue, Govt. of Rajasthan, Secretariat, Jaipur.
2. Competent Authority (Land Acquisition Officer) Cum Sub Divisional Officer, Nathdwara District Rajsamand (Raj.).
3. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.

----Respondents

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S.B. Civil Writ Petition No. 19125/2025

CNR: RJHC010912472025 | URN: CW / 34278U / 2025

1. Tilkesh Chandra Sharma S/o Late Shri Sohan Lal Jangid, aged about 50 years, Resident of Shri Ji Kripa Gaushala Road, Nathuwas, Nathdwara, District Rajsamand (Raj.).
2. Dinesh Chandra Sharma S/o Late Shri Sohan Lal Jangid, aged about 55 years, Resident of Vishwakarma Niwas, Gaushala Road, Nathuwas, Nathdwara, District Rajsamand (Raj.).
3. Purushottam Mali S/o Shri Mangi Lal Mali, aged about 55 years, Resident of Shrinath Colony-A, Nathdwara District Rajsamand (Raj.).

----Petitioners

Versus

1. State of Rajasthan through Secretary, Department of Revenue, Govt. of Rajasthan, Secretariat, Jaipur.
2. Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara, District Rajsamand (Raj.).
3. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.

----Respondents

For Petitioner(s)	:	Mr. Digvijay Singh Jasol. Mr. Vinit Sanadhaya with Mr. Priyanshu Gopa.
For Respondent(s)	:	Mr. Bharat Vyas, Sr. Adv & ASG assisted by Mr. Vaibhav Bhansali and Mr. B.P. Bohra, AGC.

HON'BLE DR. JUSTICE NUPUR BHATI

JUDGMENT

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Reserved on : 05/10/2026

Pronounced on : 15/10/2026

***Reportable*:**

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1. These writ petitions have been filed by the petitioners under Article 226 of the Constitution of India with the following prayers:

Prayers of SBCW No. 10433/2024

"(i) The impugned Notification dated 29.12.2023 (Annx.4), 07.05.2024 (Annx.11) issued by the respondent no. 1, Ministry of Railway, New Delhi and order dated 09.04.2024 (Annx.9) passed by the respondent no. 3 Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara may kindly be quashed and set aside.
(ii) Consequently, the entire land acquisition proceedings arising out of Notification dated 29.12.2023 (Annx.4) and may kindly be declared illegal and arbitrary. Consequently, the respondents may kindly be restrained from interfering into the lands of the petitioners.
(iii) Any other appropriate writ, order or direction which the Hon'ble Court thinks just and fit may kindly be passed in favour of the petitioners.
(iv) Cost of the writ petition may be awarded."

Prayers of SBCW No. 11742/2024

"(i) The impugned Notification dated 29.12.2023 (Annx.3), 07.05.2024 (Annx.10) issued by the respondent no. 1, Ministry of Railway, New Delhi and order dated 09.04.2024 (Annx.8) passed by the respondent no. 3 Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara may kindly be quashed and set aside.
(ii) Consequently, the entire land acquisition proceedings arising out of Notification dated 29.12.2023 (Annx.3) and may kindly be declared illegal and arbitrary. Consequently, the respondents may kindly be restrained from interfering into the lands of the petitioner.
(iii) Any other appropriate writ, order or direction which the Hon'ble Court thinks just and fit may kindly be passed in favour of the petitioner.
(iv) Cost of the writ petition may be awarded."

Prayers of SBCW No. 12248/2024

"(i) The impugned Notification dated 29.12.2023 (Annx.5), 07.05.2024 (Annx.12) issued by the respondent no. 1, Ministry of Railway, New Delhi and order dated 09.04.2024

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(Annx.10) passed by the respondent no. 3 Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara may kindly be quashed and set aside.
(ii) Consequently, the entire land acquisition proceedings arising out of Notification dated 29.12.2023 (Annx.5) and may kindly be declared illegal and arbitrary. Consequently, the respondents may kindly be restrained from interfering into the lands of the petitioners.
(iii) Any other appropriate writ, order or direction which the Hon'ble Court thinks just and fit may kindly be passed in favour of the petitioners.
(iv) Cost of the writ petition may be awarded."

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Prayers of SBCW No. 14350/2025

"(i) The impugned action of the respondent no. 2, i.e. Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara, making a draft award without inviting claims under Section 20-F (4) of the Railways Act 1989 may kindly be declared illegal, arbitrary and violative of the mandatory provision of law.
(ii) Consequently, the respondent no. 3 may kindly be directed to proceed in the acquisition proceedings strictly in accordance with the law.
(iii) Consequently, the respondents may kindly be restrained from interfering with the lands of the petitioners without complying with the requisite mandatory procedure prescribed under the Railways Act, 1989.
(iv) Any other appropriate writ, order or direction which the Hon'ble Court thinks just and fit may kindly be passed in favour of the petitioners.
(v) Cost of the writ petition may be awarded."

Prayers of SBCW No. 19125/2025

"(i) The impugned action of the respondent no. 2, i.e. Competent Authority (Land Acquisition Officer) cum Sub Divisional Officer, Nathdwara, making a draft award without inviting claims under Section 20-F (4) of the Railways Act 1989 may kindly be declared illegal, arbitrary and violative of the mandatory provision of law.
(ii) Consequently, the respondent no. 3 may kindly be directed to proceed in the acquisition proceedings strictly in accordance with the law.
(iii) Consequently, the respondents may kindly be restrained from interfering with the lands of the petitioners without.complying with the requisite mandatory procedure prescribed under the Railways Act, 1989.
(iv) Any other appropriate writ, order or direction which the Hon'ble Court thinks just and fit may kindly be passed in favour of the petitioners.
(v) Cost of the writ petition may be awarded."

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2. Since common question of law and facts are involved in all these cases, therefore, they are being decided vide this common judgment and for the sake of brevity, facts of SBCWP No.14350/2025 are taken for consideration for illustrative purposes.

3. Factual matrix obtaining in the present case are that the petitioners are owners of ancestral lands situated in Revenue Village Nathuwas, Tehsil Nathdwara, which were partitioned by the competent court vide preliminary decree dated 25.10.1994 and final decree dated 15.04.1998, and were subsequently mutated and registered in their favour by virtue of a registered Will dated 11.04.2022. Respondent No. 3, for the purpose of laying a new railway line, conducted a detailed survey and accordingly issued a notification dated 07.04.2022 under Section 20-A of the Railways Act 1989 (for short, hereinafter referred to as 'Act of 1989') for the acquisition of land for the proposed Nathdwara–Nathdwara Town railway line in District Rajsamand. All of a sudden, another notification dated 29.12.2023 was issued under Section 20-A of the Act of 1989 for the acquisition of land for the aforesaid railway line, which was published in a local daily newspaper on 16.01.2024, whereby the petitioners came to know that their lands were also proposed to be acquired for the said project. Upon gaining knowledge of the notification dated 29.12.2023, the petitioners submitted written objections under Section 20-C of the Act of 1989 before the competent authority on 14.02.2024. After filing their objections, the petitioners awaited a hearing; however, they were shocked to learn that a notification dated 07.05.2024

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had been published in a daily newspaper on 05.06.2024 under Section 20-E of the Act of 1989. The said notification stated that the objections raised by the concerned persons had been decided by the competent authority. The petitioners were astonished to learn that they had never been summoned or served with any notice for a hearing and had not been afforded any opportunity of being heard. Upon making inquiries, the petitioners came to know that their objections had been decided by the competent authority on 09.04.2024. Thereafter, the petitioners applied for a copy of the decision dated 09.04.2024 and other documents relating to the objection proceedings. A bare perusal of the order dated 09.04.2024 reveals that none of the objections raised by the petitioners was considered objectively and that no reasons were assigned for rejecting the objections. The order dated 09.04.2024 records that information regarding the hearing had been published in a newspaper on 08.04.2024. However, the said assertion is wholly baseless and unreliable, as no individual notice was served upon the petitioners and only a brief, three-line news item was published, which cannot be treated as valid notice to the objectors. In fact, the said news item did not contain any particulars of the lands proposed to be acquired or the persons affected by the acquisition, thereby making it impossible for the concerned persons to ascertain whether they were required to appear for the hearing of their objections. It is, therefore, evident that the order dated 09.04.2024 was passed in gross violation of the principles of natural justice and in disregard of the mandatory procedure prescribed under the Act of 1989, resulting in the

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issuance of the notification dated 07.05.2024. In view of the aforesaid facts and circumstances, the petitioners, being aggrieved by the notifications dated 29.12.2023 and 07.05.2024 and the order dated 09.04.2024, preferred a writ petition bearing No. 10433/2024, which is pending consideration before this Court. Subsequently, respondent No. 2 issued a press note dated 23.07.2025, which was published in a newspaper on 26.07.2025, informing the public that a draft award had been prepared in respect of the lands belonging to the petitioners and that objections to the said award could be filed on or before 04.08.2025. It is submitted that respondent No. 2 has acted in complete violation of the mandatory provisions governing land acquisition under the Act of 1989. In this regard, it is pertinent to mention that Section 20-F of the Act of 1989 prescribes the procedure for determination of compensation and incorporates the mandatory requirement of inviting claims from interested persons. Hence, the present writ petition.

4. The learned counsel for the petitioners submitted that the notification dated 07.04.2022 (Annexure-3), issued under Section 20-A of the Railways Act, 1989, did not include the lands situated in village Nathuwas belonging to the petitioners. However, under the subsequent notification dated 29.12.2023 (Annexure-4), issued in respect of the same railway line project, the petitioners' lands were included, whereas the lands situated in villages Kotharia and Khakha Dhani, which had been reflected in the earlier survey map, were excluded. It was contended that the respondents had neither disclosed any reason nor provided any

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justification for the aforesaid changes in the alignment and the corresponding inclusion and exclusion of lands.

5. The learned counsel further submitted that fertile agricultural lands belonging to the petitioners had been selected for acquisition despite the availability of adjoining banjar land comprised in Khasra Nos. 44, 77, 891 and 982, which could have been considered for the proposed project. The learned counsel further pointed out that the total area proposed to be acquired had increased substantially from 10.6393 hectares under the notification dated 07.04.2022 to 21.8481 hectares under the subsequent notification dated 29.12.2023, without any adequate explanation for such an increase.

6. The learned counsel for the petitioners contended that several parcels of land belonging to Shreenathji Mandir, which were included in the earlier survey, were excluded from the acquisition pursuant to a change in alignment, without any apparent justification. It was submitted that such selective exclusion, despite the earlier inclusion of the temple lands, reflected arbitrariness in the acquisition process.

7. The learned counsel further submitted that the petitioners had sought a copy of the Detailed Project Report (DPR), which contained the basis and justification for the alteration in the alignment, but the same was not furnished by the respondent authorities and their application seeking the document was rejected. It was contended that non-supply of the DPR deprived the petitioners of the relevant material necessary to substantiate their objections and effectively challenge the proposed acquisition

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8. The learned counsel for the petitioners further submitted that the objections raised by the petitioners under Section 20-D of the Railways Act, 1989, were not considered objectively and in accordance with the statutory scheme. It was contended that the Competent Authority failed to undertake a proper consideration of the grounds raised by the petitioners against the proposed acquisition and proceeded to reject their objections by order dated 09.04.2024 (Annexure-9), without adequately examining the justification for the altered alignment and the consequential acquisition of their lands.

9. The learned counsel for the petitioners further submitted that the procedure adopted by the respondents for affording an opportunity of hearing on the objections was in violation of the mandatory statutory procedure and the principles of natural justice as no notice regarding hearing the objections was individually communicated to the petitioners and further a brief three-line news item dated 08.04.2024 (Annexure-10) was published at the bottom of the newspaper, which, according to the petitioners, was insufficient to effectively notify the affected landholders about the proposed hearing. The learned counsel for the petitioners further submitted that even assuming that the publication dated 08.04.2024 constituted valid notice of the hearing, the hearing was scheduled for 09.04.2024, thereby leaving the petitioners with barely one day to prepare and appear before the Competent Authority. It was contended that such a short interval did not afford the petitioners reasonable and adequate time to prepare their submissions and effectively pursue

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their objections, thereby rendering the opportunity of hearing illusory rather than meaningful.

10. Learned counsel for the petitioners further submitted that the Competent Authority had been appointed pursuant to the earlier notification dated 07.04.2022 (Annexure-3), which, stood superseded or had ceased to remain operative upon the issuance of the subsequent notification dated 29.12.2023 (Annexure-4). It was, therefore, contended that, in view of the subsequent notification, the authority lacked the requisite competence to adjudicate upon the objections raised in relation to the subsequent acquisition proceedings.

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11. The learned counsel for the petitioners further submitted that the respondents could not justify the impugned acquisition proceedings merely by describing the railway project as one of national importance. It was contended that, although the project might serve a larger public purpose, the same did not absolve the statutory authorities of their obligation to comply with the mandatory provisions of the Railways Act, 1989, or to act fairly, reasonably and in accordance with the principles of natural justice.

12. The learned counsel for the petitioners further submitted that the procedure adopted by the respondents for determination of compensation was contrary to the mandatory requirement of Section 20-F(4) and (5) of the Railways Act, 1989. It was contended that, under the aforesaid provisions, the Competent Authority is required to issue a public notice inviting claims from all persons interested in the land before proceeding to determine the amount of compensation. However, in the present case, the respondents proceeded to publish the draft award before inviting

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claims from the petitioners and affording them an opportunity to place their claims and objections on record. It was, therefore, contended that the statutory procedure had been followed in an improper sequence, inasmuch as the affected persons ought to have been afforded an opportunity to submit their claims before the determination of compensation was undertaken, rather than being granted such an opportunity after the process of determination had already commenced. The learned counsel submitted that the subsequent grant of an opportunity to the petitioners could not cure the initial failure to comply with the statutory mandate, and that the determination of compensation was consequently vitiated for non-compliance with Section 20-F(4) and (5) of the Act.

13. The learned counsel for the petitioners submitted that, vide order dated 25.05.2026, this Court, with a view to exploring an amicable resolution, directed the parties to appear before the Competent Authority-cum-Land Acquisition Officer ('CALA') on 08.06.2026 and submit their respective claims and representations. The CALA was directed to consider the same objectively, after affording due opportunity of hearing to the petitioners, and submit a report before this Court. It was further submitted that the aforesaid exercise was expressly made subject to and without prejudice to the petitioners' right to contest the writ petition on merits.

14. The learned counsel for the petitioners submitted that, despite the directions issued by this Court on 25.05.2026, the CALA failed to objectively consider the representations and claims submitted by the parties. It was contended that the report dated

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03.07.2026 (Annexure-RA/4) merely reproduced the stand taken by the Railway authorities, without independently examining the petitioners' claims or recording reasoned findings on the objections raised by them. In particular, the report failed to adequately address the petitioners' objections concerning the market value of the acquired lands, the applicable multiplier factor, the registered sale deeds relied upon by them, and the location and potentiality of their lands. The learned counsel, therefore, contended that the report did not reflect a meaningful consideration of the petitioners' representations in accordance with the directions issued by this Hon'ble Court.

15. Per contra, the learned Senior Advocate Additional Solicitor General submitted that the railway project in question is a project of national importance and involves substantial public interest. It was submitted that approximately 96% of the land acquisition proceedings in respect of the project have already been completed and nearly 50% of the work relating to the laying of railway lines has also been completed and substantial amount of public money has already been invested in the project, and any interference at this advanced stage would seriously impede its implementation.

16. The learned Senior Advocate Additional Solicitor General contended that the realignment of the railway line was undertaken on the basis of technical feasibility, engineering considerations, safety requirements and the overall needs of the project. The determination of alignment in a major railway infrastructure project falls primarily within the domain of technical experts and the competent authorities, and this Court, in exercise of its writ jurisdiction, ought not to substitute its own assessment for that of

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the authorities entrusted with such functions, particularly in the absence of any established mala fides, palpable arbitrariness or violation of a statutory mandate. It was, therefore, contended that the acquisition proceedings ought not to be interfered with lightly, particularly when the project has progressed substantially and serves a larger public purpose

17. The learned Senior Advocate Additional Solicitor General submitted that the railway project was declared a Special Railway Project within the meaning of Section 2(37A) of the Railways Act, 1989, vide Gazette Notification dated 18.07.2019, and that the Sub-Divisional Officer, Nathdwara, was appointed as the Competent Authority under Section 2(7A) of the said Act. It was contended that the subsequent issuance of the notification dated 29.12.2023 under Section 20-A did not, by itself, terminate or invalidate the appointment of the Competent Authority, nor did it necessitate a fresh appointment. In the absence of any material establishing that the earlier appointment had been withdrawn, superseded or otherwise ceased to operate, it was submitted that the proceedings undertaken by the Competent Authority could not be invalidated on this ground.

18. The learned Senior Advocate Additional Solicitor General further submitted that the objections raised by the petitioners under Section 20-D of the Railways Act, 1989, were duly considered and decided by the Competent Authority vide order dated 09.04.2024. It was contended that the Competent Authority had taken into consideration the objections raised by the petitioners, the response submitted by the Railway authorities and the relevant circumstances pertaining to the proposed acquisition,

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and had thereafter recorded reasons for rejecting the objections. Mere rejection of the objections, according to the learned counsel, could not be construed as non-application of mind or failure to consider the petitioners' case. It was further submitted by the Senior Advocate Additional Solicitor General that the decision was taken upon consideration of the material placed before the Competent Authority and that no material had been brought on record to establish that the objections were rejected arbitrarily or without due application of mind.

19. Learned Senior Advocate Additional Solicitor General further submitted that, as regards the petitioners' contention concerning the Shrinathji Temple that the respondents are favouring and the land vested with the temple has been left out, the learned counsel submitted that the allegation was vague and unsubstantiated, and no material had been placed on record to demonstrate any infringement of a legally protected right warranting interference with the acquisition proceedings.

20. The learned Senior Advocate Additional Solicitor General submitted that the SDO-cum-LAO, vide press note dated 07.04.2024, announced that a personal hearing on the objections raised by the affected persons would be conducted on 09.04.2024 at 11:00 AM. It was further submitted that the said press note was displayed on the notice boards of the Tehsil Office, Municipal Board Office, bus stands and Sub-Divisional Office, besides being published in a local newspaper on 08.04.2024. It was, therefore, contended that adequate publicity had been given regarding the scheduled hearing and that the petitioners could not claim that they were unaware of the proceedings.

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21. The learned Additional Solicitor General submitted that the declaration issued under Section 20-E of the Railways Act, 1989, entailed the vesting of the acquired land absolutely in the Central Government, free from all encumbrances, in accordance with the statutory consequences prescribed under the said provision. It was contended by the Senior Advocate Additional Solicitor General that, once such vesting had taken place, the acquisition could not be reopened merely on account of a subsequent dispute concerning the quantum or determination of compensation. The statutory scheme contemplates acquisition and vesting of the land, followed by determination and payment of compensation in accordance with the provisions of the Act. It was, therefore, submitted by the Senior Advocate Additional Solicitor General that any grievance concerning the amount of compensation ought to be pursued through the remedies prescribed under the statute rather than by seeking to unsettle the acquisition proceedings themselves.

22. The learned Senior Advocate Additional Solicitor General submitted that the award passed in the present matter is presently in the nature of a draft award and does not constitute a final determination of compensation. The learned Senior Advocate Additional Solicitor General further submitted that, pursuant to the order dated 25.05.2026 passed by this Court, the petitioners were directed to approach the Competent Authority-cum-Land Acquisition Officer for consideration of their claims relating to just and fair compensation. In compliance with the said directions, the petitioners appeared before the Competent Authority on 08.06.2026 and submitted their representations and claims in the

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presence of the Railway authorities, who also placed their response before the Competent Authority. It was submitted that the Competent Authority thereafter considered the representations and passed the order/report dated 03.07.2026. According to the learned Senior Advocate Additional Solicitor General, the exercise undertaken pursuant to the directions of this Hon'ble Court had duly addressed the petitioners' claims for consideration of compensation, and the surviving controversy, insofar as compensation was concerned, essentially related to its quantum and determination, for which the Railways Act provides a separate statutory mechanism.

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23. The learned Senior Advocate Additional Solicitor General further submitted that the Railways Act, 1989 provides a specific statutory mechanism for adjudication of disputes concerning the amount of compensation. Reliance was placed upon Section 20-F(6) of the Act, which provides for determination of compensation by an arbitrator appointed by the Central Government where the amount determined by the Competent Authority is not acceptable to either party. It was contended that the petitioners could not bypass the statutory remedy and invite this Hon'ble Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, to undertake an adjudication involving valuation of the acquired land and determination of the market value. Such an exercise, according to the learned counsel, would require examination of the relevant evidence, valuation material and statutory factors, which could appropriately be undertaken through the mechanism prescribed under the Act. It was, therefore, submitted that the petitioners ought to avail themselves

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of the statutory remedy available for redressal of their grievances concerning compensation.

24. This Court has considered the rival submissions advanced by learned counsel for the parties and perused the material available on record. The controversy raised in the present writ petition essentially concerns the legality of the acquisition proceedings undertaken for the Nathdwara–Nathdwara Town railway line, the competence of the authority which considered the petitioners' objections, the adequacy of the opportunity afforded to them, and the procedure followed for determination of compensation. These issues are required to be examined in the context of the statutory scheme of the Railways Act, 1989.

25. The objection raised by the petitioners concerns the competence of the Sub-Divisional Officer, Nathdwara, to act as the Competent Authority-cum-Land Acquisition Officer in respect of the acquisition proceedings initiated under the subsequent notification dated 29.12.2023 (Annexure-4). The petitioners have contended that the appointment made in connection with the earlier notification dated 07.04.2022 (Annexure-3) could not automatically survive the issuance of the subsequent notification. The aforesaid contention, however, does not persuade this Court to hold that the acquisition proceedings are vitiated for want of jurisdiction.

25.1 The record, as referred to by the Senior Advocate Additional Solicitor General, indicates that the railway project was declared a Special Railway Project within the meaning of Section 2(37A) of the Railways Act, 1989, vide Gazette Notification dated 18.07.2019, and that the Sub-Divisional Officer, Nathdwara, was

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appointed as the Competent Authority in terms of Section 2(7A) of the said Act. The statutory scheme contemplates the appointment of a Competent Authority in accordance with the prescribed procedure, and the validity of such appointment is required to be examined with reference to the notification conferring the requisite authority and the applicable statutory provisions. The petitioners' contention that the authority ceased to possess jurisdiction merely because a subsequent notification under Section 20-A came to be issued cannot, in the absence of any material establishing the withdrawal, supersession or cessation of the appointment itself, be accepted as sufficient to invalidate the proceedings undertaken by that authority. The issuance of a subsequent acquisition notification, by itself, does not establish that the appointment of the Competent Authority stood terminated or that a fresh appointment was invariably required. The Court, therefore, finds no sufficient basis to invalidate the proceedings solely on the ground that the acquisition was initiated through the subsequent notification dated 29.12.2023.

25.2 The record, as referred to by learned Senior Advocate Additional Solicitor General, indicates that the railway project was declared a Special Railway Project within the meaning of Section 2(37A) of the Railways Act, 1989, vide Gazette Notification dated 18.07.2019. Subsequently, in exercise of the powers conferred by Section 2(7A) of the Act, the Central Government, vide Notification dated 10.01.2022 (Annexure CA/2), authorised the Sub-Divisional Officer, Nathdwara, to perform the functions of the Competent Authority under the said Act in respect of the Special Railway Project concerning the new Nathdwara–Nathdwara Town

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railway line, within the specified sub-division and district of Rajasthan.

25.3 A conjoint reading of Sections 2(7A), 2(26) and 2(37A) of the Act makes it evident that while Section 2(37A) contemplates the notification of a project as a Special Railway Project by the Central Government from time to time, Section 2(7A) empowers the Central Government to authorise a person, by notification, to perform the functions of the Competent Authority in respect of the area specified therein. The definition of 'notification' under Section 2(26), in turn, requires such notification to be published in the Official Gazette. Thus, the authority of the Sub-Divisional Officer, Nathdwara, emanated from the specific authorisation conferred by the notification dated 10.01.2022, which expressly identified the officer, the territorial jurisdiction and the Special Railway Project in respect of which the statutory functions were to be performed.

25.4 The subsequent issuance of the acquisition notification dated 29.12.2023 under Section 20-A of the Act does not, by itself, have the effect of extinguishing the authorisation previously conferred upon the Competent Authority. The said provision concerns the initiation of the acquisition process by a notification declaring the Central Government's intention to acquire the land required for a Special Railway Project, whereas Section 2(7A) governs the authorisation of the officer entrusted with the performance of the functions assigned to the Competent Authority under the Act. These provisions operate in distinct but complementary fields. The commencement of the acquisition process through a subsequent notification does not, in the absence of any express statutory

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consequence or a subsequent order withdrawing, superseding or modifying the earlier authorisation, render the existing appointment inoperative. Nor does the Act, merely by reason of the issuance of a notification under Section 20-A, contemplate the automatic termination of the appointment already made under Section 2(7A) or mandate the issuance of a fresh authorisation for every successive stage of the acquisition proceedings.

25.5 It is also significant that the notification dated 10.01.2022 was issued specifically in relation to the identified Special Railway Project and authorised the Sub-Divisional Officer, Nathdwara, to discharge the functions of the Competent Authority within the specified territorial limits. The subsequent acquisition notification, as described on record, pertains to the acquisition of land for the same railway project. Consequently, unless the subsequent notification or any other competent order expressly alters the identity of the project, the territorial scope of the authorisation, or the appointment of the Competent Authority, the mere chronological sequence of the two notifications cannot be construed as bringing the earlier authorisation to an end. Such an interpretation would attribute to the subsequent acquisition notification a consequence neither apparent from its stated purpose nor established by the provisions relied upon.

25.6 In these circumstances, in the absence of any material demonstrating that the authorisation conferred vide notification dated 10.01.2022 was withdrawn, superseded, modified or otherwise rendered inoperative, the contention that the Sub-Divisional Officer, Nathdwara, ceased to possess jurisdiction

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merely upon issuance of the subsequent notification dated 29.12.2023 cannot be accepted. The Court, therefore, finds no sufficient basis to hold that the Competent Authority's appointment stood terminated, or that the proceedings undertaken by the said authority were rendered without jurisdiction, solely on account of the subsequent acquisition notification. This conclusion, however, remains subject to verification that the subsequent notification concerns the same Special Railway Project and falls within the territorial and functional scope of the authorisation dated 10.01.2022. The relevant sections and notification dated 10.01.20222 (Annex. CA/2) are reproduces herein after:

> 2. Definitions.—
> "(7A)competent authority" means any person authorised by the Central Government, by notification, to perform the functions of the competent authority for such area as may be specified in the notification;
> (26)"notification" means a notification published in the Official Gazette;
> (37A)"special railway project" means a project notified as such by the Central Government from time to time, for providing national infrastructure for a public purpose in a specified time-frame, covering one or more States or the Union territories;"

Notification dated 10.01.2022 is reproduced hereunder:

> "**Ministry of Railways**
> **[NORTH WESTERN RAILWAY (CONSTRUCTION ORGANIZATION)]**
> NOTIFICATION
> Jaipur, the 10th January, 2022
> **S.O. 195(E)** -In exercise of the powers conferred by clause (7A) of section 2 of the Railways Act, 1989 (24 of 1989), the Central Government hereby authorizes the officer mentioned in column (2) of the table below as "Competent Authority' to perform the function as such authority under the said Act with effect from the date of publication of this notification in the official Gazette in

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respect of the Special Railway project of " Nathdwara Nathdwara Town" new Railway line in the State of Rajasthan relating to sub division mentioned in column (3), District mentioned in Column (4) of the said Table for the public purpose of execution, maintenance, management and operation of such Special Railway Project.

TABLE

Sr.No.	Competent Authority	Sub Division	District
(1)	(2)	(3)	(4)
1	Sub Divisional Officer, Nathdwara	Nathdwara	Rajsamand

[F. No. NWR/HQ/S&C/443599200Vol.1]

BRIJESH KUMAR GUPTA, Chief Administrative Officer/Const."

Notification dated 29.12.2023 is reproducer hereunder:

"**भारत का राजपत्र**

The Gazette of India

सी.जी.आर. जे. अ.-01012024-251048

CG-RJ-E-01012024-251048

असाधारण

EXTRAORDINARY

भाग-॥-खण्ड 3-उप-खण्ड (ii)

PART II-Section 3 - Sub-section (ii)

प्राधिकार से प्रकाशित

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रेल मंत्रालय

(उत्तर पश्चिम रेलवे)

अधिसूचना

जयपुर, 29 दिसम्बर, 2023

का.आ. 03 (अ).-केंद्रीय सरकार, रेल अधिनियम, 1989 (1989 का 24) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 20 क के खंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह समाधान हो जाने के पश्चात् कि लोक प्रयोजन के लिए वह भूमि, जिसका संक्षिप्त विवरण नीचे अनुसूची में दिया गया है, राजस्थान राज्य के राजसमंद जिले में नाथ द्वारा-नाथ द्वारा टाउन नई रेल लाइन परियोजना (10.80 कि.मी.) के निष्पादन, अनुरक्षण, प्रबंधन एवं संचालन के लिए अपेक्षित है, ऐसी भूमि का अर्जन करने के आशय की घोषणा करती है।

उक्त भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीस दिन की अवधि के भीतर, उक्त अधिनियम की धारा 20 घ की उप-धारा (1) के अधीन उपर्युक्त प्रयोजन के लिए ऐसी भूमि के अर्जन और उपयोग के संबंध में आक्षेप कर सकेगा।

प्रत्येक ऐसा आक्षेप सक्षम प्राधिकारी अर्थात्, उपखण्ड अधिकारी, नाथद्वारा, जिला-राजसमंद, राजस्थान को लिखित में किया जाएगा और उसमें उसके आधार उपवर्णित करेगा

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और सक्षम प्राधिकारी आक्षेपकर्ता को व्यक्तिगत रूप से या विधि व्यवसायी के माध्यम से सुनवाई का अवसर प्रदान करेगा और सभी ऐसे आक्षेपों की सुनवाई करने तथा ऐसी और जांच, यदि कोई हो, जिसे सक्षम प्राधिकारी आवश्यक समझे, करने के पश्चात, आदेश द्वारा, या तो आक्षेपों को अनुज्ञात कर सकेगा या अननुज्ञात कर सकेगा।

उक्त अधिनियम की धारा 20 घ की उप-धारा (2) के अधीन सक्षम प्राधिकारी द्वारा किया गया कोई आदेश अंतिम होगा। इस अधिसूचना के अधीन आने वाली भूमि का रेखांकन और भूमि के अन्य ब्यौरे उपलब्ध हैं और हितबद्ध व्यक्ति द्वारा सक्षम प्राधिकारी के उपर्युक्त कार्यालय में उनका निरीक्षणकिया जा सकता है।"

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26. The next issue before this Court for consideration was whether the objections submitted by the petitioners under Section 20-D of the Railways Act, 1989, were objectively decided by the competent authority by the order dated 09.04.2024 (Annexure-9) or not. The petitioners have questioned the said order on the ground that the Competent Authority failed to objectively examine the alteration in alignment, the inclusion of their agricultural lands, the availability of adjoining banjar land, the exclusion of certain lands reflected in the earlier survey. Annexure 9 is reproduced here for reference:

"विषयः- आप द्वारा प्रस्तुत आपत्ति के क्रम में।

विषयान्तर्गत नाथद्वारा नाथद्वारा नाथद्वारा टाउन नई रेल लाइन परियोजना की अधिसूचना 29.12.2023 को जारी हुई जिसका राजपत्र में 01.01.2024 को व स्थानीय अखबारों में 16.01.2024 को प्रकाशन हुआ। आप द्वारा रेल मंत्रालय द्वारा जारी अधिसूचना में प्रकाशित ग्राम नाथुवास की आराजी नम्बर 1043, 1044, 1045, 1046, 1047 बाबत् दिनांक 14.02.2024 को आपत्ति प्रस्तुत की गई है। उक्त आपत्ति पर सुनवाई हेतु दिनांक 09.04.2024 नियत की गयी जिसका प्रकाशन राजस्थान पत्रिका में दिनांक 08.04.2024 को हुआ एवं इस कार्यालय के सूचना पट्ट पर दिनांक 07.04.2024 को चस्पा किया गया। उक्त आपत्ति का अवलोकन किया गया। आप द्वारा अपनी आपत्ति में उल्लेख किया गया कि आपके खातेदारी, स्वामित्व एवं आधिपत्य की उक्त कृषि भूमि पर आप द्वारा काबिल काश्त किया गया है तथा आपकी आय का एकमात्र साधन उक्त कृषि भूमि है। यदि आपकी उक्त जगह पर रेल मंत्रालय द्वारा रेलवे ट्रेक बनाया जाता है तो आप अपने हक अधिकारो से वंचित हो जायेगे तथा कृषि भूमि के काश्त अधिकारों से भी वंचित हो जायेगे। आपकी उक्त आपत्ति के क्रम में रेलवे विभाग से जवाब मांगा गया रेल्वे विभाग द्वारा प्रस्तुत जवाब अनुसार

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नाथद्वारा-नाथद्वारा टाउन नई रेल परियोजना नाथद्वारा से कांकरोली तक आमान परिवर्तन का कार्य वर्तमान मीटर ग्रेज संरेखण के साथ किये जाने तथा नाथद्वारा-नाथद्वारा टाऊन नई लाईन को Spur के रूप में रखे जाने के उपरान्त प्रस्तावित नए स्टेशन का स्थान तथा नई लाईन का संरेखण, (Alignment) समीक्षा कर पुनः निर्धारित किया गया। इसके परिणामस्वरूप लगभग 900 मीटर लम्बी सुरंग बनाये जाने की आवश्यकता समाप्त हो गई तथा प्रस्तावित नए स्टेशन का स्थान भी राष्ट्रीय राजमार्ग तथा श्रीनाथजी मंदिर के काफी समीप आ गया है। वर्तमान सर्वे में किसी भी प्रकार के पूर्वाग्रह, पक्षपात अथवा किसी के दबाव में व्यक्ति विशेष की भूमि को अवाप्त किए जाने या नही किए जाने का कार्य नही किया गया है, अपितु इस कार्य अर्थात नाथद्वारा से - नाथद्वारा टाऊन तक की नई रेलवे लाईन बिछाने के सर्वे कार्य में सभी तकनीकी मापदंडो को ध्यान में रखते हुए सबसे उपयुक्त, व्यावहारिक संरेक्षण का निर्धारण किया गया है जिसके लिए विस्तृत जांच तथा आवश्यक तकनीकी अन्वेषण किया गया है।

अधिसूचना में दर्शित खसरा संख्या में केवल खसरा संख्या के सामने दर्शित क्षेत्रफल की भूमि ही विशेष रेल परियोजना हेतु अवाप्त की जानी प्रस्तावित है। तकनिकी एवं भौगोलिक द्वष्टिकोण से नाथद्वारा से नाथद्वारा टाउन तक की नई रेलवे लाइन बिछाने हेतु संरेखण (Alignment) में संशोधन किये जाने की गुन्जाईश नहीं है।

रेलवे एक्ट 1989 के अनुसरण में रेलवे लाईन प्रोजेक्ट के प्रचालन हेतु भूमि अर्जन अपेक्षित है। रेलवे लाईन निर्माण हेतु प्रस्तावित भूमि का सार्वजनिक एवं व्यापक जनहित मे आवागमन की सुविधा को देखते हुए उक्त भूमि का अर्जन किया जाना अत्यावश्यक है।

अवाप्त भूमि का विधि नियमानुसार प्रासंगिक प्रावधानों के अनुरूप नियमानुसार अवॉर्ड पारित किया जाकर प्रतिकर भुगतान किया जायेगा।

वर्तमान में उपलब्ध रिकार्ड एवं रेल्वे द्वारा प्रस्तुत जांच रिपोर्ट के आधार पर आपत्ति पोषणीय नही होने से अस्वीकार की जाती है। सूचित रहे।"

26.1 The above order dated 09.04.2024 (Annex.9) is required to be read as a whole and in the context of the objections raised by the petitioners and the response of the Railway authorities. A perusal of the order showed that the competent authority while passing an order took into consideration the objection made by the petitioner, the response of the railways, the nature of the land, the mechanical and geographical reasons for new alignment. The material placed before this Court does not establish that the

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objections were rejected without consideration merely because the conclusion was adverse to the petitioners. Nor can the rejection of an objection, by itself, be equated with non-application of mind. Unless the order is shown to have ignored a material objection, proceeded on an irrelevant consideration, or rested upon reasons wholly disconnected from the controversy, the Court would not be justified in setting aside the decision solely on the ground that a more elaborate order could have been passed. Having regard to the nature of the objections and the decision recorded by the Competent Authority, this Court finds no adequate basis to hold that Annexure-9 is vitiated merely for want of a more detailed discussion.

26.2 This Court is unable to accept the proposition that an order rejecting statutory objections must necessarily be invalidated merely because the objections have not been answered through an elaborate discussion on each individual assertion. The requirement of a reasoned decision is intended to demonstrate that the authority has applied its mind to the controversy and has arrived at its conclusion upon consideration of the relevant material. The adequacy of reasons must, therefore, be assessed with reference to the nature of the objections, the decision taken and the material available before the authority, rather than by applying an inflexible requirement of a separate and exhaustive answer to every sentence of the representation. For the same, this Court took into consideration the judgment of Supreme Court in case of **Alok Kotahwala and Others Vs Jaipur Metro Rail Corporation Limited and Others, 2026 SCC OnLine SC 1324**, decided on Decided on July 13, 2026

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"62. Our attention has first been drawn by Mr. Rohatgi to the concluding part of the order/report of the LAO where it was recorded that the "objections are not being considered". According to Mr. Rohatgi, the failure to consider the objections is palpable and brazen and no amount of argument is necessary to establish that this itself constitutes a ground for the Court to set the acquisition proceedings at naught.

63. Looking to the order/report of the LAO, at first blush, the argument is attractive. However, the semantics behind the phrase "objections are not being considered" in the LAO's order cannot be pressed into service by equating it to a situation that the objections themselves were not taken on record and/or bore no application of mind by the LAO, so as to vitiate the principles of natural justice itself and the duty to consider and record reasons. Having read the entire report, what is discerned is that the LAO noticed, in seriatim, the objections raised by the appellants and recorded the response furnished by the JMRCL thereto. The LAO thereafter concluded that the JMRCL requires the subject land for the metro rail project and having regard to the public purpose the project seeks to cater, the objections are not being considered. What "objections are not being considered" could be taken to mean is that the objections were considered on their own footing but they did not merit acceptance, and not that they have not been looked into or considered. Had it been so, a detailed report setting out the rival versions together with recording of an opinion that the subject land is indeed required for a public purpose would not have been prepared for consideration by the State Government for issuance of a declaration under Section 6 of the LA Act. The argument, thus, stands rejected.

64. The next argument advanced by Mr. Rohatgi was that there are no reasons in the order/report of the LAO evincing minimal consideration of each and every objection. While it is true that the reasoning of the LAO is brief and each objection has not been dealt with individually, we do not consider the argument worthy of acceptance. Reference to the contents of the report has been made hereinbefore. While the report of the LAO could have been more elaborate, it must be remembered that a report under Section 5A need not be a speaking order in the judicial sense. The requirement is to form an opinion and recommend. Brevity of reasons is not synonymous with absence of reasons. Read as a whole, it cannot be said that the LAO failed to advert to the objections or that it failed or omitted to record the requisite opinion. The brevity of the report does not vitiate it. The purpose of Section 5A, which is to aid the

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> State Government in taking a final decision, stands fulfilled in this case."

27. The next issue before this Court was regarding denial of an effective opportunity of hearing also requires consideration. The petitioners have submitted that no individual notice of hearing was communicated to them and that the newspaper publication dated 08.04.2024 (Annex.10, allegedly placed in a relatively inconspicuous portion of the newspaper, afforded barely one day before the hearing scheduled for 09.04.2024 (Annex.9) which is contravention to Section 20D as no effective opportunity of hearing was provided to them. The respondents have disputed the legal consequence sought to be drawn from the aforesaid circumstances. The question before this Court is not merely whether the interval between publication and the scheduled hearing was short, but whether, in the facts of the present case, the alleged deficiency has been shown to have deprived the petitioners of a meaningful opportunity to present their objections or has otherwise materially affected the decision-making process. The relevant section reproduced herein after:

> "20D. Hearing of objections, etc.—
>
> (1)Any person interested in the land may, within a period of thirty days from the date of publication of the notification under sub-section (1) of section 20A, object to the acquisition of land for the purpose mentioned in that sub-section.
>
> (2)Every objection under sub-section (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.
>
> Explanation.—For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

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> (3)Any order made by the competent authority under sub-section (2) shall be final."

27.1 The principle of natural justice is intended to secure fairness in the decision-making process and cannot be reduced to an empty formality. At the same time, the plea of breach of natural justice must be examined in the factual setting of the case and with reference to the nature of the proceedings, the objections actually raised, and the prejudice, if any, demonstrated by the affected party. This Court took into the consideration the observation of Hon'ble Supreme Court in case of **P.D. Agrawal v. State Bank of India, (2006) 8 SCC 776, decided on 28.04.2026**, the relevant paragraph is reproduce hereinafter:

> "39. Decision of this Court in S.L. Kapoor v. Jagmohan [(1980) 4 SCC 379] whereupon Mr Rao placed strong reliance to contend that non-observance of principle of natural justice itself causes prejudice or the same should not be read "as it causes difficulty of prejudice", cannot be said to be applicable in the instant case. The principles of natural justice, as noticed hereinbefore, have undergone a sea change. In view of the decisions of this Court in State Bank of Patiala v. S.K. Sharma [(1996) 3 SCC 364 : 1996 SCC (L&S) 717] and Rajendra Singh v. State of M.P. [(1996) 5 SCC 460] the principle of law is that some real prejudice must have been caused to the complainant. The Court has shifted from its earlier concept that even a small violation shall result in the order being rendered a nullity. To the principle/doctrine of audi alteram partem, a clear distinction has been laid down between the cases where there was no hearing at all and the cases where there was mere technical infringement of the principle. The Court applies the principles of natural justice having regard to the fact situation obtaining in each case. It is not applied in a vacuum without reference to the relevant facts and circumstances of the case. It is no unruly horse. It cannot be put in a straitjacket formula. (See Viveka Nand Sethi v. Chairman, J&K Bank Ltd. [(2005) 5 SCC 337 : 2005 SCC (L&S) 689] and State of U.P. v.

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Neeraj Awasthi [(2006) 1 SCC 667 : 2006 SCC (L&S) 190 : JT (2006) 1 SC 19] . See also Mohd. Sartaj v. State of U.P. [(2006) 2 SCC 315 : 2006 SCC (L&S) 295 : (2006) 1 Scale 265])"

27.2 In the present matter, the petitioners have not placed on record any specific document or other material demonstrating what material submission they were prevented from making, what relevant document they were unable to produce, or in what manner the alleged shortage of time materially impaired their ability to pursue their objections. The challenge is founded principally upon the short interval between publication and the scheduled hearing, without a corresponding demonstration of any specific prejudice arising therefrom. Therefore, the objection is, accordingly, rejected.

28. The other issue that arises for consideration is whether the alteration of the railway alignment, resulting in the inclusion of the petitioners' lands in village Nathuwas while excluding certain other parcels of land, is arbitrary or legally unsustainable, warranting interference by this Court in exercise of its writ jurisdiction, particularly when the determination of railway alignment involves specialised technical expertise and considerations of engineering feasibility, safety and public utility. The petitioners have further relied upon the availability of adjoining banjar land through which the railway line can be passed.

28.1 The aforesaid contentions must be considered in the light of the nature of the decision under challenge. The selection and finalisation of the alignment of a railway line involve considerations of engineering feasibility, gradients, curves, safety, topography, operational requirements, connectivity, construction constraints and the overall design of the project. Such matters

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ordinarily fall within the domain of technical experts and the competent executive authorities entrusted with the planning and execution of railway infrastructure. The Court, exercising jurisdiction under Article 226, does not possess the institutional or technical function of designing a railway alignment, nor can it substitute its own assessment for that of the authorities merely because an alternative alignment or a different parcel of land is suggested by an affected landowner. For the same, this Court took into consideration the judgment of Supreme Court in case of **Alok Kotahwala and Others Vs Jaipur Metro Rail Corporation Limited and Others, 2026 SCC OnLine SC 1324**, decided on Decided on July 13, 2026, the relevant paragraphs are reproduce hereinafter:

> "76. Appellants have then urged that several alternative parcels of land, including lands belonging to RIICO, IOCL, JDA and other governmental agencies, were available and that the respondents ought to have utilised such lands instead of acquiring the appellants' property. We are apprehensive that such a contention traverses a domain where judicial restraint is particularly warranted. Judicial intervention in this regard essentially has to yield to a host of technical and operational considerations, subsuming alignment connectivity, maintenance logistics, future expansion, inter alia. This position was pithily encapsulated in State of Punjab v. Gurdial Singh as follows:
>
> > 8. First, what are the facts? A grain market was the public purpose for which government wanted land to be acquired. Perfectly valid. Which land was to be taken? This power to select is left to the responsible discretion of government under the Act, subject to Articles 14, 19 and 31 (then). The court is handcuffed in this jurisdiction and cannot raise its hand against what it thinks is a foolish choice. Wisdom in administrative action is the property of the executive and judicial circumspection keeps the court lock-jawed save where power has been polluted by oblique ends or is otherwise void on well established grounds. The constitutional balance cannot be upset.

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This position was reiterated in Sooraram Pratap Reddy v. Collector as follows:

> 119. In our judgment, in deciding whether acquisition is for "public purpose" or not, prima facie, the Government is the best judge. Normally, in such matters, a writ court will not interfere by substituting its judgment for the judgment of the Government.

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78. Quite recently, a similar view was expressed by a co-ordinate Bench while dismissing a special leave petition41 vide order dated 8th June, 2022. It was held there that public interest being of paramount consideration, the National Highway Authority is the best judge to decide which land is to be acquired and which is not to be acquired for the purpose of construction of highways.

79. Thus, the determination of the particular parcel of land required for acquisition falls squarely within the domain of the expert planning authorities exercising powers of eminent domain.

80. Keeping the position of law aside for a moment, the learned Solicitor for the respondents has submitted that the lands belonging to IOCL and RIICO, which according to the appellants could have been acquired instead, are being utilised for other purposes, as noticed in the summary of his submission above. Appellants have contended that such a stand has been advanced for the first time before this Court and, therefore, lacks credibility. We are unable to agree. A perusal of the record reveals that even before the High Court, in the reply filed to the writ petition, the respondents had specifically averred that the lands of IOCL and RIICO were earmarked and being utilised for purposes other than the project in question. The contention, therefore, cannot be said to be an afterthought.

81. Although the respondents have justified why the suggested alternative lands were not suited nor available for the intended purpose, merely because another parcel of land may appear feasible to the landowner, the same cannot be pressed into service by the landowner, to persuade the Court to substitute its own opinion for that of the authorities entrusted with the planning and execution of the project."

28.2 The determination of the railway alignment is essentially a matter involving technical expertise, engineering requirements and considerations of public safety and project feasibility. These aspects fall primarily within the domain of the specialised

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authorities entrusted with planning and executing the project. This Court, in exercise of its writ jurisdiction, would not undertake an independent technical evaluation of the competing alignments or substitute its own assessment for that of the experts, in the absence of any established legal infirmity warranting judicial interference.

28.3 It is also relevant to note that approximately 96% of the land acquisition for the project has already been completed and nearly 50% of the construction work has been undertaken. These circumstances underscore the substantial progress made in the execution of the project and the larger public interest involved in its timely completion. The Court must, therefore, bear in mind the balance between the individual rights asserted by the petitioners and the wider public interest served by the railway project, while examining the legality of the impugned action.

29. The remaining controversy concerns the procedure adopted for determination of compensation. The petitioners contended that the respondents proceeded to issue a draft award without first inviting claims in accordance with Section 20-F(4) and (5) of the Railways Act, 1989. According to petitioners, the procedure prescribed by the statute was followed in reverse order, and the subsequent opportunity afforded to submit claims could not cure the initial illegality. The Senior Advocate Additional Solicitor General, on the other hand, submitted that the document relied upon by the petitioners is only a draft award and does not constitute a final determination of compensation. They further contended that claims were invited through Annexure-12, bearing reference No. 14350/2025, before the final award was passed.

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29.1 In pursuance to the submissions of the counsels, it is necessary to distinguish between a preliminary or draft assessment of compensation and the final determination contemplated by the statutory scheme. The mere preparation or issuance of a draft award does not, without examination of its contents and legal effect, establish that the Competent Authority has finally determined the compensation payable. The material question is whether the statutory opportunity to submit claims was afforded before the authority proceeded to make the final determination contemplated under the Act. The sequence of events must, therefore, be examined with reference to the applicable provisions and the actual nature of the document described as the draft award.

29.2 Section 20-F(4) of the Railways Act, 1989 contemplates the invitation of claims from persons interested in the land before determination of the amount of compensation. The statutory opportunity is intended to enable the affected persons to place relevant material concerning the value of the land and other legally admissible considerations before the Competent Authority. The purpose of the provision is not served merely by permitting a person to object after the compensation has been finally determined; equally, the preparation of a provisional assessment, by itself, cannot be equated with the final determination if the statutory process remains open and the claims are considered before the final award is made. The relevant statutory provisions are reproduced below:

> "20F. Determination of amount payable as compensation.
> (1)Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

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(2)The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided further that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.

(3)Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(4)Before proceeding to determine the amount under sub-section (1) or sub-section (3), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5)Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 20D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6)If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (3) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7)Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(8)The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (6), as the case may be, shall take into consideration—

(a)the market value of the land on the date of publication of the notification under section 20A;

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> (b)the damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;
> (c)the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;
> (d)if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.
> (9)In addition to the market-value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of sixty per centum on such market-value, in consideration of the compulsory nature of the acquisition."

29.3 In the present case, the petitioners themselves describe the document in question as a draft award. The Senior Advocate Additional Solicitor General have specifically relied upon Annexure-12, bearing petition No. 14350/2025, to demonstrate that claims were invited before the final determination of compensation. On the material placed before this Court, the petitioners have not established that the document described as the draft award constituted an irrevocable or final determination of compensation, or that the Competent Authority had finally concluded the statutory process before inviting the claims. In these circumstances, the mere preparation of a draft assessment cannot be treated as conclusive proof of a violation of Section 20-F(4).

29.4 It is clarified that the conclusion on this aspect rests upon the distinction between a draft assessment and a final determination, and not upon any proposition that a subsequent opportunity can invariably cure a completed violation of a mandatory statutory requirement. If the final award were to be passed without compliance with the requirement of inviting and

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considering claims, the legality of such determination would have to be examined in accordance with law. However, where the record does not establish that a final determination was made before the statutory opportunity was afforded, the apprehension of a future procedural violation cannot be treated as an accomplished illegality warranting the setting aside of the acquisition proceedings at this stage.

30. The next issue that arises for consideration is whether the objections raised by the petitioners concerning the determination of compensation have been duly considered by the CALA. Pursuant to the order dated 25.05.2026 passed by this Court, the parties appeared before the CALA on 08.06.2026 and submitted their respective claims and representations. Thereafter, the CALA submitted its report dated 03.07.2026. The petitioners contend that the said report suffers from non-application of mind, as their objections concerning the market value of the acquired land, comparable sale deeds, location and potentiality of the land, and the applicable multiplier have not been independently and adequately addressed. It is their case that the report substantially reiterates the stand of the Railway authorities without undertaking an objective consideration of the relevant factors governing the determination of compensation.

30.1 The petitioners have not laid any challenge to the report dated 03.07.2026 in the present writ petitions. In the absence of any specific challenge to the said report, the validity and correctness thereof do not fall for consideration before this Court in the present proceedings. The scope of judicial review is confined to the issues specifically raised and the reliefs sought in

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the writ petitions. This Court, therefore, cannot adjudicate upon the validity of the aforesaid report or grant any relief in respect thereof when no such challenge has been laid by the petitioners. Accordingly, no determination with regard to the legality or otherwise of the report dated 03.07.2026 is warranted in the present proceedings.

31. This Court is conscious of the fact that compulsory acquisition of land entails an interference with the property rights of the affected landowners and, therefore, strict adherence to the statutory safeguards governing acquisition and determination of compensation is imperative. At the same time, the scope of judicial review remains confined to examining the legality of the decision-making process and compliance with the applicable statutory framework, rather than undertaking a reassessment of matters falling within the domain of the competent technical authorities. The acquisition cannot be interdicted merely on account of the hardship occasioned to an individual landowner or a difference of opinion regarding the alignment, particularly when no sustainable legal infirmity warranting interference has been established. It is also significant that approximately 96% of the land acquisition has already been completed and nearly 50% of the construction work has been undertaken, thereby underscoring the substantial progress of the project and the larger public interest involved in its timely completion. Balancing the rights of the petitioners against the public interest underlying the project, this Court finds no justification to obstruct its implementation in the absence of an established statutory violation or other legally sustainable ground for interference. The petitioners' entitlement to

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compensation in accordance with law, however, remains protected and shall be governed by the applicable statutory provisions and remedies available to them.

32. Having considered the submissions and the material placed on record, this Court finds that the petitioners have failed to establish that the appointment of the Competent Authority was legally invalid, that their objections were rejected without consideration, or that the alleged inadequacy of the opportunity of hearing caused prejudice sufficient to vitiate the proceedings. The challenge to the alignment is not supported by material establishing mala fides, manifest arbitrariness or violation of a statutory mandate. Further, the material presently available does not establish that the draft award constituted a final determination of compensation made in disregard of Section 20-F(4) of the Railways Act, 1989. The petitioners' grievance concerning the amount of compensation is not required to be decided by this Court as the order of the CALA 03.07.2026 has not been laid challenge by the petitioner in the writ petition.

33. For the reasons recorded hereinabove, this Court finds no sufficient ground to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to set aside the acquisition proceedings impugned in the present writ petitions. The writ petitions are, accordingly, dismissed.

(DR.NUPUR BHATI),J

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