RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 28290/2026
CNR: RJHC011176092026 | URN: CW / 49143U / 2026

Rajasthan High Court
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1. Indra Devi W/o Dedaram, D/o Late Shri Ranaram, Aged About 60 Years, Resident Of 31, Meghwalon Ka Baas, Village Doodali, Post Rohat, District Pali (Raj.) - 306421.
2. Kali Devi @ Kalki W/o Kalu Ram, D/o Late Shri Ranaram, Aged About 41 Years, Resident Of Luni, Tehsil Luni, District Jodhpur (Raj.) - 342802.
3. Dariya Devi W/o Pokarram, D/o Late Shri Ranaram, Aged About 47 Years, Resident Of 204, Society Nagar, Pali, District Pali (Raj.) - 306401 (Originally R/o Village Nimbli Brahman, Tehsil Rohat, District Pali).

----Petitioners

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Revenue Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The District Collector, District Pali (Raj.).
3. The Sub-Divisional Officer (Land Acquisition Officer), Rohat, District Pali (Raj.).
4. The Tehsildar (Land Records), Tehsil Rohat, District Pali (Raj.).
5. The Rajasthan State Industrial Development And Investment Corporation Ltd. (Riico), Through Its Managing Director, Udyog Bhawan, Tilak Marg, Jaipur (Raj.).
6. The Senior Regional Manager, Riico Ltd., I.t.i. Road, Pali Marwar, District Pali (Raj.) - 306401.

----Respondents

For Petitioner(s) : Ms. Harshita.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

23/11/2026

1. This writ petition has been filed by the petitioners with the following prayers:

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"i. issue an appropriate writ, order or direction directing the respondents (particularly Respondent Nos. 2, 3, and 4) to forthwith conclude the pending inquiry initiated vide order dated 13.12.2021, recognize the cultivatory rights of Late Shri Ranaram S/o Lalaram, and enter succession mutation + (Fautedgi Mutation) in favour of the petitioners in of the respect agricultural land admeasuring 8 Bighas 3 Biswas comprised in Old Khasra No. 210 (New Khasra Nos. 212, 190, and 219), Village Nimbli Brahmnan, Tehsil. Rohat, District Pali;

ii. issue an appropriate writ, order or to direction directing the respondents, particularly the respondent-RIICO and Land Acquisition Officer, determine/finalise the compensation and release/pay the entire amount lawfully payable to the petitioners in respect of their aforesaid land forthwith, along with all statutory benefits, solatium, and applicable interest;

iii. direct the respondents to ensure actual payment/credit of the amount to the petitioners, and not treat any internal deposit, adjustment or transfer of money between RIICO and any Government department/authority as discharge the respondents' liability towards the petitioners;

iv. direct the respondent-RIICO то not further raise any construction Oı create any third-party rights over the petitioners' subject land during pendency of the present writ petition, particularly when the petitioners have not been paid the amount payable in lieu thereof;

v. Cost of litigation and damages may also be allowed petitioners, in favour of the

vi. Any other appropriate writ, order or direction which is favorable to the petitioners in the facts and circumstances of the case may kindly be granted to the petitioners."

2. Brief facts of the case are that the petitioners—Indra Devi, Kali Devi, and Dariya Devi, who belong to the Scheduled Caste (Meghwal) community and Below Poverty Line (BPL) category—are the sole surviving Class-I legal heirs of Late Shri Ranaram, who held continuous cultivatory possession for over five decades over 8 Bighas and 3 Biswas of agricultural land (Old Khasra No. 210 / New Khasra Nos. 212, 190, and 219) in Village Nimbli Brahmnan, Tehsil Rohat, District Pali. Although this land was acquired/allotted for the Jodhpur-Pali-Marwar Industrial Area (RIICO Corridor) pursuant to a Final Award dated 16.03.2015, and RIICO itself requested mutation of the allotted land (including Khasra Nos. 190

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and 219) in its favour on 29.12.2023, the revenue authorities have failed to finalize the succession mutation (Fautedgi Mutation) or disburse compensation. Despite Late Shri Ranaram's prior efforts to secure Khatedari rights before his death on 28.12.2018, and the petitioners' subsequent mutation applications under Section 133 of the Rajasthan Land Revenue Act, 1956, representations dated 22.10.2021, and official spot-inspection directions issued by the Tehsildar on 13.12.2021, no final order has been passed and the petitioners have received zero payment. Aggrieved by this arbitrary inaction and left with no other efficacious alternative remedy, the petitioners seek a writ directing the respondents to enter succession mutation in their favour and release the due compensation along with applicable interest and statutory benefits.

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3. Learned counsel for the petitioners submits that the Coordinate Bench of this Court in SBCWP No.2794/2026 (Laxman Singh & Ors. Vs. The State of Rajasthan & Ors.), by way of an *ex parte* order dated 06.02.2026, has allowed the writ petition. She thus prayed that similar order be passed.

4. The order dated 06.02.2026 passed in Laxman Singh (supra) is reproduced hereunder:

> "For Petitioner(s) : Mr. Sachin Saraswat
> For Respondent(s) : --
>
> xxx xxx xxx
>
> Order
>
> 06/02/2026
>
> 1. Present writ petition has been filed with the following prayers: "1. Issue an appropriate writ, order or direction in the nature of mandamus, directing the Respondent National Highways Authority of India to forthwith deposit the entire compensation amount determined under the Supplementary Awards dated 27.07.2023 (Annexure-2) passed by the Competent Authority cum-Land Acquisition Officer, together with all statutory

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benefits, for acquisition of the petitioners' land and fruit-bearing trees for National Highway No.158;

2. Direct the Respondents to disburse the deposited compensation amount to the petitioners within a time-bound period to be specified by this Hon'ble Court;

3. Issue an appropriate writ, order or direction directing the Respondents to pay interest on the delayed payment of compensation from the date of vesting of the land till the date of actual payment, at such rate as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

4. Any other order or direction which this Hon'ble Court deems just and proper may kindly be passed in favour of the humble petitioners."

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2. Learned counsel for the petitioners submits that the land of petitioners was acquired for the purpose of construction of National Highway No. 158 and a supplementary award dated 27.07.2023 (Annexure-3) was passed determining the compensation payable thereof. It is contended that said award has attained finality as the statutory period for challenging the same has expired without any challenge being preferred by Respondents.

3. It is further submitted that despite lapse of over three years since the award was passed, the compensation has not been disbursed in favour of petitioners. The delay, according to learned counsel for the petitioners, is attributable to internal administrative communications between respondent-authorities, which cannot prejudice the rights of landowners. It is contended that the delay has deprived petitioners not only of their land, but also of the compensation awarded in lieu thereof.

4. Learned counsel for the petitioners relies upon guidelines issued by the National Highways Authority of India ("NHAI"), which clearly provide the timeline within which disbursement of the amount of compensation awarded shall be made.

5. Learned counsel for the petitioner also submits that communications exchanged between respondent-authorities are not only against the constitutional mandate as well as the statutory mandate provided under the National Highways Authority Act, 1956, but also in gross violation of guidelines issued by the NHAI.

6. In support of his submissions, learned counsel for the petitioner has placed reliance upon judgments passed in the cases of Vidya Devi v. State of Himachal Pradesh and Ors: (2020) 2 SCC 569; Ultra-Tech Cement v. Mast Ram and Ors.: (2025) 1 SCC 798; Kolkata Municipal Corporation & Anr. v. Bimal Kumar Shah & Ors.: (2024) 10 SCC 533; Tukaram Kana Joshi v. M.I.D.C.: 2013 (1) Mh.L.J. 833; Bernard Francis Joseph Vas and Ors. vs. Government of Karnataka and Ors: Manu/SC/0001/2025

7. Since the petitioner has only prayed for early disbursement of amount already determined by the supplementary award and has not prayed for any adjudication which may adversely affects rights of the respondents, this Court deems it appropriate to decide the present writ petition without calling upon the respondent by issuing notices. Heard learned counsel for the petitioner and perused the material available on record.

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8. This Court has, in a number of matters, noticed that notwithstanding passing of an award determining compensation, the compensation amount is either not sanctioned or, if sanctioned, not disbursed to claimants. This Court expresses serious concern about such delaying approach of state and its authorities and observes that such delay defeats the statutory mandate and results in denial of timely compensation to persons whose lands have already been acquired.

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9. Through a series of judicial pronouncements, the law is firmly established that State's power of eminent domain is not absolute but is inextricably linked to the obligation of providing fair and prompt compensation. Delay in the payment of compensation has consistently been viewed by Courts not merely as a procedural lapse, but as a substantive violation of the constitutional guarantee under Article 300-A as well as the human rights of citizens.

10. Originally, right to property was guaranteed as a fundamental right under Articles 19(1)(f) and 31 of the Constitution of India. By virtue of the 44th Constitutional Amendment, the said right ceased to be a fundamental right and now finds place under Article 300-A, which provides that "no person shall be deprived of his property save by authority of law." Thus, the right to property continues to be a constitutional right and cannot be divested except in accordance with law, thereby providing protection against excesses and abuse of power by State.

11. Constitutional dimensions of Article 300-A were elaborately considered by the Hon'ble Supreme Court in Kolkata Municipal Corporation vs Bimal Kumar Shah (Supra), wherein Hon'ble Court identified seven sub-rights forming part of the right to property, including the right to fair compensation and the right to an efficient and expeditious acquisition process. Relevant observations of the Hon'ble Supreme Court are reproduced below:

> "30.5 The Right of restitution or fair compensation: (i) A person's right to hold and enjoy property is an integral part to the constitutional right under Article 300A. Deprivation or extinguishment of that right is permissible only upon restitution, be it in the form of monetary compensation, rehabilitation or other similar means. Compensation has always been considered to be an integral part of the process of acquisition…
>
> iii) Our courts have not only considered that compensation is necessary but have also held that a fair and reasonable compensation is the sine qua non for any acquisition process.
>
> 30.6. The Right to an efficient and expeditious process: (i) The acquisition process is traumatic for more than one reason. The administrative delays in identifying the land, conducting the enquiry and evaluating the objections, leading to a final declaration, consume time and energy. Further, passing of the award, payment of compensation and taking over the possession are equally time-consuming. It is necessary for the administration to be efficient in concluding the process and within a

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reasonable time. This obligation must necessarily form part of Article 300A."

12. Reliance may also be placed upon the judgment of the Hon'ble Supreme Court in Urban Development Trust v. Vidhya Devi and Ors. reported in Manu/SC/1340/2024, wherein there was a delay of almost 10 years in the payment of compensation in lieu of the land acquired, and the Hon'ble Court has discussed various judgments on the point from which the position which emerges is that delay in payment of compensation constitutes a breach of the mandate of Article 300-A. Relevant paras are extracted below: -

> "69. This Court in the case of Ultra-Tech Cement Ltd. v. Mast Ram, reported in MANU/SC/1038/2024 : 2024:INSC:709 has held that the right to property is to be considered not only a constitutional or statutory right but also a human right and therefore, time is of the essence in determination and payment of compensation by the State, otherwise there would be a breach of Article 300A of the Constitution. The relevant para of the judgment is reproduced below:
>
> > "46. This Court has held in Dharnidhar Mishra (D) and Anr. v. State of Bihar and Ors., MANU/SC/0441/2024 and State of Haryana v. Mukesh Kumar, MANU/SC/ 1147/2011: 2011:INSC:731 : (2011) 10 SCC 404 that the right to property is now considered to be not only a constitutional or statutory right, but also a human right. This Court held in Tukaram Kana Joshi and Ors. thr. Power of Attorney Holder v. M.I.D.C. and Ors., MANU/ SC/0933/2012 : 2012:INSC:503 : (2013) 1 SCC 353 that in a welfare State, the statutory authorities are legally bound to pay adequate compensation and rehabilitate the persons whose lands are being acquired. The non-fulfilment of such obligations under the garb of industrial development is not permissible for any welfare State as that would tantamount to uprooting a person and depriving them of their constitutional/human right.
> >
> > 47. That time is of the essence in determination and payment of compensation is also evident from this Court's judgment in Kukreja Construction Co. & Ors. v. State of Maharashtra & Ors., MANU/SC/1016/2024 : 2024:INSC:692 wherein it has been held that once the compensation has been determined, the same is payable immediately without any requirement of a representation or request by the landowners and a duty is cast on the State to pay such compensation to the land losers, otherwise there would be a breach of Article 300- A of the Constitution.
> >
> > 48. In the present case, the Government of Himachal Pradesh as a welfare State ought to have proactively intervened in the matter with a view to ensure that the requisite amount towards

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> compensation is paid at the earliest. The State cannot abdicate its constitutional and statutory responsibility of payment of compensation by arguing that its role was limited to initiating acquisition proceedings under the MOU signed between the Appellant, JAL and itself. We find that the delay in the payment of compensation to the landowners after taking away ownership of the subject land from them is in contravention to the spirit of the constitutional scheme of Article 300A and the idea of a welfare State.
>
> 49. Acquisition of land for public purpose is undertaken under the power of eminent domain of the government much against the wishes of the owners of the land which gets acquired. When such a power is exercised, it is coupled with a bounden duty and obligation on the part of the government body to ensure that the owners whose lands get acquired are paid compensation/ awarded amount as declared by the statutory award at the earliest."

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13. Further, in Tukaram Kana Joshi and Ors. thr. Power of Attorney Holder v. M.I.D.C. and Ors. reported in MANU/SC/0933/2012, the Hon'ble Supreme Court has held: -

> "17… Even under valid acquisition proceedings, there is a legal obligation on the part of the authorities to complete such acquisition proceedings at the earliest, and to make payment of requisite compensation. The appeals etc. are required to be decided expeditiously, for the sole reason that, if a person is not paid compensation in time, he will be unable to purchase any land or other immovable property, for the amount of compensation that is likely to be paid to him at a belated stage.
>
> 18. While dealing with the similar issue, this Court in K. Krishna Reddy & Ors. v. The Special Dy. Collector, Land Acquisition Unit II, LMD Karimnagar, Andhra Pradesh, AIR 1988 SC 2123, held as under:
>
> > "….After all money is what money buys. What the claimants could have bought with the compensation in 1977 cannot do in 1988. Perhaps, not even one half of it. It is a common experience that the purchasing power of rupee is dwindling. With rising inflation, the delayed payment may lose all charm and utility of the compensation. In some cases, the delay may be detrimental to the interests of claimants. The Indian agriculturists generally have no avocation. They totally depend upon land. If uprooted, they will find themselves nowhere. They are left high and dry. They have no savings to draw. They have nothing to fall back upon. They know no other work. They may even face starvation unless rehabilitated. In all such cases, it is of utmost importance that the award should be made without delay. The enhanced compensation must be determined without loss of time…."

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14. The judgment of Hon'ble Supreme Court in Bernard Francis Joseph Vaz v. Government of Karnataka (Supra) further establishes that delay in payment of compensation solely on account of lethargic attitude of state and its authorities unequivocally constitutes a violation of right to property under Article 300-A. Hon'ble Court has held that once a statutory award is passed, State's obligation to pay is absolute, and withholding such dues for years makes a "mockery" of constitutional protection. Crucially, Hon'ble Court highlighted the economic impact of delay, noting that "money is what money buys"; thus, inordinate delays cause double injury to landowners, with inflation eroding the purchasing power of compensation, effectively rendering the eventual payment illusory.

15. In view of the aforesaid authoritative pronouncements, the legal position is thus settled that once private land is acquired for a public purpose and compensation is determined under a statutory award, it is incumbent upon state and its authorities to ensure timely disbursal of the amount in favor of landowner/other users having rights therein. Time is of the essence in the payment of compensation, and the said proposition is inherent in the constitutional mandate of Article 300-A. Thus, there remains no doubt that delay on the part of state authorities in the payment of compensation constitutes a clear violation of Article 300-A.

16. From the material on record, it appears that the delay in disbursement is attributable to internal communications between authorities concerned regarding quantum of compensation determined under the award. This Court finds that once compensation has been determined by a competent statutory authority by supplementary award dated 27.07.2023 which as per the petitioner has neither been challenged, modified or set aside in any proceedings and has attained finality. Thus, there is no justification available with the respondents in not disbursing the amount of compensation to the petitioner. Respondents cannot withhold its disbursement on the basis of administrative correspondence mulling over the justification of the quantum so fixed.

17. In absence of any legal impediment or subsisting challenge to the award, the continued non-disbursement of compensation cannot be permitted.

18. Accordingly, present writ petition deserves to be allowed.

19. Respondent-authorities are directed to disburse compensation amount, as quantified in favour of petitioner in Supplementary Award dated 27.07.2023, along with all admissible statutory benefits, in favour of petitioners within a period of three months from the date of receipt of a certified copy of this order.

20. It is made clear that in the event of non-compliance with the aforementioned directions of this Court within the stipulated period, petitioners shall be at liberty to avail appropriate remedies in accordance with law.

21. The writ petition stands disposed of accordingly. All pending applications also stand disposed of."

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5. In view of the above the present writ petition is allowed in the same terms and with similar directions as given in the case of Laxman Singh (supra). Respondent-authorities are directed to disburse compensation amount, as quantified in favour of petitioners in Supplementary Award dated 16.03.2015, along with all admissible statutory benefits, in favour of petitioner within a period of three months from the date of receipt of a certified copy of this order. It is made clear that in the event of non-compliance with the aforementioned directions of this Court within the stipulated period, petitioner shall be at liberty to avail appropriate remedies in accordance with law.

(DR.NUPUR BHATI),J

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