



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 23rd OF FEBRUARY, 2026

WRIT APPEAL No. 167 of 2026

RAJEDRA PRASAD TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Munendra Singh - Advocate for the appellant.

Shri Anubhav Jain - Government Advocate for the respondent/State.
.....

ORDER

Per. Hon'ble Shri Justice Vinay Saraf.

1. By the instant *intra court* appeal the appellant has assailed the order dated 15.12.2025 passed by learned Single Judge in W.P. No.44083/2025, whereby the writ petition preferred by the appellant was dismissed.

2. Short facts of the case are that, the land owned by the appellant was acquired by the respondent department for Bansagar Project and Land Acquisition Award was passed in the year 2004 and compensation was also paid. It is alleged by the appellant that the said land was not utilized for the purpose of project and is lying vacant, therefore, the appellant submitted a representation on 29.10.2025 seeking restoration of his land. As the



representation was not considered and decided, the appellant preferred subject writ petition seeking direction to the respondents to consider and decide the representation submitted by the appellant.

3. Learned Single Judge after due consideration of the facts and circumstances of the case, dismissed the petition on the ground that the land was acquired in the year 2004 and the same has been vested in the Government and the appellant has no right to claim the restoration of the land on the ground of non-utilization as the compensation has already been paid to the appellant long back. The said order is impugned in the instant *intra court* appeal.

4. Learned counsel appearing on behalf of the appellant submits that the land was acquired for the purpose of Bansagar Project, however, the same was not utilized for the same and Project Authorities have already issued NOC to the effect that if the land is restored to the appellant the project authority has no objection. He further submits that appellant is ready to refund the compensation amount, which was received by the appellant. He prays for issuance of direction to the concerning authority to decide the representation submitted by the appellant for restoration of land.

5. Learned Government Advocate opposed the prayer mainly on the ground that once the land is vested in the Government, the same cannot be restored and appellant has no right to claim the restoration of the land. He prays for dismissal of the appeal.

6. Undisputedly, the land owned by the appellant was acquired in the year 2004 by passing Land Acquisition Award and the land has been vested



in the Government. The compensation has already been paid to the appellant. The land acquisition proceedings were held under the provisions of Land Acquisition Act, 1894 and in the absence of any provision to restore the unutilized land back to the original order, no direction can be issued to the respondents to consider and decide the representation submitted by the appellant as the appellant has no right to claim the restoration of the land.

7. Consequently, we are in full agreement with the findings recorded by the learned Single Judge. The impugned order does not require any interference. The appeal *sans* merits and is, accordingly, dismissed. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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