2026:CGHC:18175-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 313 of 2026

1 - Hasdeo Aranya Bachao Sangharsh Samiti Through Its Convener, Umeshwar Singh Armo, S/o Siyambar Singh, Aged About 35 Years, R/o Village Jampani, Post Madanpur, Tahsil Podi, Distt. Korba, Chhattisgarh.

2 - Seema Porte W/o Thakur Singh Aged About 34 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

3 - Bagar Sai Porte S/o Salik Ram Aged About 71 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

4 - Akhlesh Kumar Porte S/o Chandrabhan Singh Aged About 21 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

5 - Chhoturam Porte S/o Ghursai Porte Aged About 22 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

6 - Hirday Singh Markam S/o Dilbandhu Ram Aged About 23 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

7 - Sudhar Bai W/o Manjhi Ram Aged About 50 Years R/o Village Ghatbarra, Tehsil Udaypur, Distt. Surguja, Chhattisgarh. (Member And Authorized Representative of Hasdeo Aranya Bachao Sangharsh Samiti)

... Appellants

versus

1 - Union of India Through Secretary, Ministry of Environment And Forest, Government of India, Paryawaran Bhawan, C.G.O. Complex Lodhi, Road, New Delhi, 11003, Delhi.

2 - Union of India Through Secretary, Ministry of Tribal Affairs, Government of India, Shastri Bhawan, New Delhi 110001, Delhi.

3 - State of Chhattisgarh Through Secretary, Department of Forest, Mantralaya, Naya Raipur, Chhattisgarh, Distt. Raipur, Chhattisgarh.

4 - District Level Forest Rights Committee D.L.C. Sarguja Through O/o Collector Tribal Welfare, Ambikapur, Distt. Sarguja, Chhattisgarh.

5 - Rajasthan Rajya Vidyut Utpadan Nigam Ltd. Vidyut Bhawan, Jyoti Nagar Janpath, Jaipur Rajasthan, Distt. Jaipur, Rajasthan.

... Respondents

For Appellants	:	Ms. Shalini Gera along with Mr. Akash Kundu and Mr. Amit Kumar Verma, Advocates
For Respondent Nos. 1 & 2 / UOI	:	Mr. Ramakant Mishra, Dy. Solicitor General along with Mr. Rishabh Singh Dev, CGC
For Respondent Nos. 3 & 4 / State	:	Mr. Prasun Bhaduri, Deputy Advocate General
For Respondent No.5	:	Dr. Nirmal Shukla and Mr. Naman Nagrath, Senior Advocates assisted by Mr. Shailendra Shukla and Mr. Dinesh Bole, Advocates

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Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

21.04.2026

1. Heard Ms. Shalini Gera along with Mr. Akash Kundu and Mr. Amit Kumar Verma, learned counsel for the appellants. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General assisted by Mr. Rishabh Singh Dev, learned Central Government Counsel, appearing for UOI / respondent Nos. 1 & 2, Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State / respondent Nos. 3 & 4 and Dr. Nirmal Shukla and Mr. Naman

Nagrath, learned Senior Advocates assisted by Mr. Shailendra Shukla and Mr. Dinesh Bole, learned counsel, appearing for respondent No. 5 on I.A. No. 01 of 2026, which is an application for condonation of delay of 20 days in filing the instant appeal.

2. On due consideration and for the reasons mentioned in the application, the same is allowed. Delay of 20 days in filing the instant appeal is hereby condoned.

3. With the consent of learned counsel for the parties, the appeal is heard finally.

4. This writ appeal is presented against the impugned order dated 08.10.2025 passed by the learned Single Judge in WPC No. 1346 of 2016 ***(Hasdeo Arand Bachao Sangharsh Samiti Ghatbarra & Others vs. Union of India & others)***, whereby the writ petition filed by writ petitioners / appellants herein has been dismissed by the learned Single Judge.

5. The brief facts necessary for disposal of this appeal are as follows :

(A) Initially, the Forest Rights Committee, Ghatbarra, through its President, Hasdeo Arand Bachao Sangharsh Samiti, and one Jainandan Singh Porte filed a writ petition before this Court being WPC No. 1346 of 2016. Petitioner No.1 moved an application for withdrawal of the writ petition on its behalf, and the same was allowed vide order dated 03.10.2024. Another application was moved for

impleadment of six persons as members of Hasdeo Arand Bachao Sangharsh Samiti to pursue the matter, and the said application was allowed vide order dated 29.07.2025. Thus, the said petition was being contested by Petitioner No. 2 and Petitioner No. 3, Jainandan Singh Porte.

(B) Village Ghatbarra comprises mostly of the tribal population, and it was granted community forest rights under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, [hereinafter to be referred to as “FR Act, 2006”]. In the year 2006-07, the Ministry of Coal, Government of India, allotted the Parsa East and Kete Basen captive coal block to Respondent No.5, a State of Rajasthan entity. The respondent No.5 applied for the diversion of forest land measuring 2388.525 hectares before the Ministry of Environment and Forest, Government of India (MoEF) on 12.01.2009. The respondent No.5 submitted a revised proposal on 02.03.2011, whereby the forest area was reduced and mining was to be done in two phases.

(C) The aforesaid proposal was placed before the Forest Advisory Committee on 10.03.2011. The committee constituted a Sub-Committee to inquire and inspect, and then submit a report to the Committee. The Sub-Committee visited the proposed area on 14-15/05.2011 and submitted its report raising various issues such as the density of forest

and the habitat of the wild animals, etc. The Sub-Committee also pointed out that provisions of the FR Act, 2006, are not within the knowledge of the villagers, and the provisions of the FR Act, 2006 have not been completed. The Forest Advisory Committee (FAC) rejected the proposal on 20/21.06.2011. The concerned Minister granted in principle approval for diversion of forest land for mining on 06.07.2011. The permission for diversion of forest land for Phase-I and Phase-II mining was granted in favor of the respondent No.5 on 15.03.2012. However, direction was issued to complete the forest rights procedure.

(D) The MoEF vide its letter dated 30.07.2009 had addressed Chief Secretaries of all States that the proposals for diversion of forest land for non-forest purposes shall be considered after recognition of the forest rights and the consent of the concerned Gram Sabha. The Villagers of Village – Ghatbarra, in exercise of their traditional community forest rights, were performing their duty of protecting the wildlife, forest, and biodiversity, and have been protesting against the cutting down of trees. On 02.10.2011, Gram Sabha – Ghatbarra passed a resolution observing a protest against coal mining in their village area.

(E) On 06.02.2012, the villagers and Van Samiti submitted an application to the Forest Department, making a request to stop the coal inspection. On 05.03.2012, again the

villagers submitted representations before the respondent authorities, making a request to stop the coal inspection. On 10.11.2012, the villagers submitted representations before respondents No. 1 to 4 wherein they stated that the Gram Sabha conducted in the year 2009 was a farce one as the procedure contemplated under the FR Act, 2006, has not been complied with; thus, a prayer was made to cancel the land acquisition process.

(F) In June, 2013, the Forest Rights Committee, Ghatbarra, submitted claim application forms for recognition of the Community Forest Rights (CFR), and the claims of villagers were recommended for recognition by the District Level Committee on 03.09.2013 wherein three forest rights were conferred. On 19.02.2014 and 20.02.2014, the Gram Sabhas of Village Salhi, Hariharpur, and Fatehpur convened a Special Gram Sabha and passed two resolutions – firstly, under the provisions of Section 5 of the FR Act, 2006 for conservation of forest, and secondly, for the grant of pattas for community forest resources. The District Collector, Surguja, vide letter dated 03.09.2014, stated that the lease for community forest resources has not been provided as guidance has been sought from the Government, and the said compartment has already been allotted for coal mining.

(G) One Sudiep Shrivastava challenged the order dated 23.06.2011 issued by the Union of India, MoEF, and the

subsequent diversion order passed by the State of Chhattisgarh dated 28.03.2012 before the Learned National Green Tribunal, New Delhi on various grounds. The learned Tribunal vide its order dated 24.03.2014, set aside the orders dated 23.06.2011 passed by MoEF and order dated 28.03.2012 passed by the State of Chhattisgarh, for diversion of forest land. Further, the work commenced by respondent No.5 pursuant to the above orders was suspended. The matter was remitted back to MoEF with a direction to seek fresh advice from the Forest Advisory Committee (FAC) within a reasonable time. The order passed by the learned NGT was challenged by respondent No.5 by filing Civil Appeal No. 4395 of 2014 before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide its order dated 28.04.2014 stayed the direction issued by the learned NGT whereby work commenced by respondent No.5 pursuant to the order dated 28.03.2012 was suspended.

(H) Meanwhile, vide letter dated 08.01.2016 issued by the District Level Committee, Community Forest Rights (CFRs) granted earlier to the villagers of Village–Ghatbarra were canceled on the ground that such permission interrupts mining work and forest rights were granted due to a mistake, ignoring the orders issued by MoEF dated 23.06.2011 and 28.03.2012.

(I) The petitioners have not challenged the order dated 15.03.2012 issued by the Central Government whereby permission for mining over 1898.328 hectares was granted. Respondent No.5 proceeded to carry out mining over 762 hectares in Phase-I. The petitioners have also not challenged the order of diversion dated 28.03.2012 passed by the State Government, whereby order of diversion was passed and Respondent No.5 was permitted to carry out coal mining in the PEKB Coal block. Initially the petitioners had challenged the order dated 08.01.2016, whereby the Forest Rights District Level Committee, Surguja revoked three community forest rights, which were earlier granted to the villagers. They challenged the said order on the ground that no opportunity of hearing was provided before passing such an order and the said Committee had no right to alter/modify/revoke its earlier order whereby CFRs were granted to the villagers. The petitioners have further amended their petition to challenge the order dated 02.02.2022 issued by MoEF, whereby permission was granted for non-forest use of the remaining 1136 hectares of forest land falling in PEKB Coal Block in favor of Respondent No.5 and order dated 25.03.2022 passed by the State Government regarding diversion for Phase-II mining. The order dated 05.05.2022 issued by Principal Chief Conservator of Forests (Production), Chhattisgarh,

with regard to deforestation was also challenged but the learned counsel appearing for the petitioners does not want to press it.

(J) Respondent No.5 did not press Civil Appeal No. 4395 of 2014, which was pending consideration before the Hon'ble Supreme Court after grant of approval for phase-II mining by the Central Government, MoEF; consequently, Civil Appeal was disposed of.

(K) The petitioners pressed the application for the grant of interim relief against the order issued by the Central Government, MoEF dated 02.02.2022 and the diversion order issued by the State of Chhattisgarh dated 25.03.2022 in the said writ petition, and the said application was rejected vide order dated 02.05.2024. The petitioner No.2 i.e. Hasdeo Arand Bachao Sangharsh Samiti, challenged the order dated 02.05.2024 by filing Civil Appeal No. 10604/2024 before the Hon'ble Supreme Court and vide order dated 17.09.2024, the matter was remitted to the High Court to reconsider the interim applications. However, liberty was granted to the High Court to take up the matter for final disposal, if possible.

(L) One more fact which required consideration by the learned Single Judge is the judgment passed by the Hon'ble Supreme Court in the matter of ***Manohar Lal Sharma Vs.***

Principal Secretary and others[1]*,* wherein it was held that allocation of coal blocks through the Government Dispensation Route suffers from the vice of arbitrariness and legal flaws; consequently, the allocation of all coal blocks was canceled including PEKB coal block, which was allotted to respondent No.5. Thereafter, Parliament promulgated the Coal Mines (Special Provisions) Ordinance, 2014, and the Rules of 2014 for the purposes of framing the rules for auction and allotment of coal blocks, which were the subject matter before the Hon'ble Supreme Court. In exercise of the power conferred under Section 6 of the Ordinance of 2014, read with Coal Mines (Special Provisions) Second Ordinance of 2014 and the Rules of 2014, the Central Government appointed the Nominated Authority for allocation of coal blocks. The Central Government also issued the order under Rule 8(2) of the Rules of 2014 pursuant to Section 5 of the Ordinance of 2014. The Nominated Authority, vide notification dated 18.02.2015, issued the allotment document and invited applications from government companies for allotment of coal mines. In order to meet the coal requirement of respondent No.5 for various thermal power plants in the State of Rajasthan and finding that the PEKB coal block is most suitable, respondent No.5 submitted an online application on 26.2.2015, and the order of allotment was

1 **(2014) 9 SCC 516**

issued by the Nominated Authority on 08.09.2015.

(M) The learned Single Judge after hearing learned counsel for the parties and quoting the provisions of law, which are relevant for efficacious disposal of said writ petition and further going through the various judicial precedents cited by either of the parties, dismissed the said writ petition vide impugned order dated 08.10.2025 on the following grounds :

> "(i) respondent No.5 has completed Phase I mining in the year 2022 and permission was granted for Phase II mining by the Central Government vide order dated 2.2.2022 and three years have passed since then and claims of the residents of village Ghatbarra with regard to individual or community forest rights, if any, can be compensated in terms of money.
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> (ii) initially resolution was passed by Forest Right Committee and decision was taken vide resolution dated 24.4.2016 to challenge the order dated 8.1.2016 issued by respondent no. 4 but subsequently Forest Right Committee withdrew its petition and there is no authorization in favor of the petitioners no. 2(1) to 2(6) to continue this petition. These petitioners failed to establish their locus also.
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> (iii) there is suppression of material facts as the petitioners failed to disclose the fact with regard to the dismissal of WPC No. 1247 of 2022;
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> (iv) the petitioners failed to challenge the orders dated 23.6.2011, 15.3.2012, and 28.3.2012 in the

present petition, whereas the petition was filed on 10.5.2016;

(v) locus standi of Petitioners No. 2(1) to 2(6) has not been established, and documents have not been placed to prove the fact that they are aggrieved with any of the decisions taken by authorities;

(vi) the petitioners failed to lead evidence to establish the fact that individual or community forest rights were conferred upon them at any point in time;

(vii) the petitioners also failed to challenge the allocation of coal blocks in favor of respondent No. 5 pursuant to the Act of 2015, whereas the petition was filed in the year 2016;

(viii) the petitioners also failed to substantiate the fact that prior to the issuance of the order dated 2.2.2022 and 25.3.2022, the provisions of the FR Act, 2006 were not complied with;

(ix) as held in the matter of ***Mangal Sai Armo and Others Versus Union of India Through Secretary and Others and other connected matters*****,** the FR Act, 2006 neither expressly nor impliedly, has taken away or interfered with the rights of the State over mines or minerals lying underneath the forest land."

6. Being aggrieved by the impugned order dated 08.10.2025 passed by the learned Single Judge in WPC No. 1346 of 2016, the instant appeal has been preferred by the writ petitioners/appellants.

7. Ms. Shalini Gera, learned counsel for the appellants submitted that the impugned order dated 08.10.2025 passed by the learned Single Judge fails to properly address the crucial issues of

community forest rights, which are the foundation of the appellants' case. The learned Single Judge's dismissal of the writ petition, while leaving the question of community forest rights open with the use of the disclaimer "if any", results in a complete failure to adjudicate the fundamental claim of the appellants that they have legitimate forest rights under the FR Act, 2006, which have been unlawfully abridged by the respondents. She further submitted that the appellants, who represent the Gram Sabha of Ghatbarra, assert that the revocation of their community forest rights has had a direct and detrimental impact on their statutory entitlements under the FR Act, 2006. As members of the Gram Sabha, every adult in the village, including the petitioners, is a beneficiary of the recognized community forest rights, which were originally granted on 03.09.2013. The appellants' locus standi is therefore indisputable, as the revocation of these rights directly affects their livelihoods, environment, and cultural heritage. The learned Single Judge has overlooked this fact by dismissing the petition without addressing the specific and individual harm caused to each member of the Gram Sabha by the unlawful revocation of their rights. Ms. Gera also submitted that the learned Single Judge's reliance on the dismissal of WPC No. 1247/2022 as relevant to the present dispute is misplaced. The issues in WPC 1247/2022 are entirely distinct, involving land acquisition and different coal blocks, namely the "Parsa Coal Block," while the present writ petition concerns the community forest rights of

the appellants in the "PEKB Coal Block." The two issues are not interconnected, and there is no obligation on the appellants to bring the dismissal of WPC No.1247/2022 into the current proceedings. The petitioners are not challenging the allocation of coal blocks themselves, but rather the permissions and clearances obtained by the mining company without adherence to the mandatory provisions of the Forest Rights Act and Forest Conservation Act.

8. Ms. Gera further contended that the orders dated 23.06.2011, 15.03.2012, and 28.03.2012, which the learned Single Judge referred to, have already been set aside by the National Green Tribunal (NGT) in its order dated 24.03.2014. This order attained finality on 16.10.2023 when the Civil Appeal No. 4395/2014 was withdrawn. Therefore, any reliance on these orders by the respondents in the present case is misplaced, as they have been rendered void and of no effect by the competent authority. She also contended that the appellants' challenge is not based on a claim to the mines or minerals beneath the forest land, which are rightfully owned by the State. Rather, they seek to assert their rights to the forest land itself, which is vital for their subsistence, culture, and the ecological balance of the region. The access to these minerals is conditioned on compliance with the statutory processes outlined in the FR Act, 2006, and the Forest Conservation Act, which require the completion of the forest rights recognition process, including obtaining Gram Sabha consent for

the diversion of forest land for non-forest use. The petitioners have provided multiple Gram Sabha resolutions opposing the coal mining operations, but the respondents have failed to produce a single Gram Sabha resolution in favor of the mining or certifying the completion of the FR Act process prior to the diversion orders issued on 02.02.2022 and 25.03.2022.

9. Finally, Ms. Gera learned counsel for the appellants submitted that the learned Single Judge’s findings that monetary compensation could suffice for the loss of an ancient, old-growth forest, designated as the "lungs of Chhattisgarh," is legally and morally unsustainable. No amount of money can restore the ecological, cultural, and environmental value of such a forest. The appellants are not merely seeking compensation but are demanding the protection of their fundamental rights to preserve the forest and its biodiversity, which are essential to their community’s survival and well-being, as such, she submitted that the impugned order dated 08.10.2025 is flawed in both law and fact, and therefore, it ought to be set aside. The matter should be remitted to the learned Single Judge for a proper and thorough adjudication of the appellants' claims under the FR Act, 2006, with due consideration to their community forest rights and the failure of the respondents to comply with the legal requirements for the diversion of forest land.

10. Mr. Naman Nagrath, learned Senior Advocate, appearing on behalf of Respondent No.5 submitted that the impugned judgment

dated 08.10.2025 passed by the learned Single Judge is well-reasoned, legally sound, and does not warrant any interference. It is contended that all statutory requirements for diversion of forest land and grant of mining approvals have been duly complied with in accordance with applicable laws, including the FR Act, 2006. The approvals dated 15.03.2012 and 02.02.2022 were granted by the competent authority after due consideration, and the mining operations in Phase-I have already been completed. He further submitted that the Appellants have failed to place any cogent material to demonstrate non-compliance with statutory provisions, and in any event, any alleged deficiencies stand cured over time. It is further submitted that the rights, if any, claimed by the villagers are capable of being adequately compensated in accordance with law, and therefore no prejudice is caused. It is further submitted that the writ petition was rightly dismissed on the ground of lack of locus standi, as the Appellants failed to establish that they are directly aggrieved persons or that they possess any subsisting legal rights. The original petitioner itself withdrew from the proceedings, and there was no valid authorization in favor of the present Appellants to continue the litigation. The petition also suffers from suppression of material facts, particularly the non-disclosure of earlier proceedings, which disentitles the Appellants from seeking equitable relief. Moreover, the challenge to the impugned actions is highly belated, as the Appellants did not assail the foundational orders dated 23.06.2011, 15.03.2012, and

28.03.2012 at the appropriate time, and such delay is fatal to the maintainability of the petition. Lastly, it is submitted that the allocation of the coal block in favor of Respondent No.5 stands on a firm legal footing pursuant to the subsequent statutory framework introduced after cancellation of earlier allocations, and the Appellants have not challenged such re-allocation. The reliance placed on earlier proceedings, including those before the National Green Tribunal, is misplaced in view of subsequent developments and fresh approvals granted by the competent authorities. It is well-settled that the State retains control over minerals and mining activities, and the provisions of the Forest Rights Act, 2006 do not divest such authority. The impugned judgment correctly appreciates the factual and legal position, and therefore, the present appeal deserves to be dismissed.

11. Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing on behalf of the Respondent/State while countering the submissions made at the Bar on behalf of the appellant/petitioner has supported the reasons and findings recorded by the learned Single Judge and has prayed for dismissal of the Writ Appeal. While advancing his submissions Mr. Bhaduri, has referred copiously to paragraph 27 of the judgment to point out that the subject matter involved in the writ petition had undergone litigation in the past in this High Court in WPC 1247 of 2022 (villagers of village Ghatbarra), WPC 302 of 2022 (Gram Panchayat Tara), WPC 560 of 2022 (Gram Panchayat Salhi), WPC 698 of 2022

(Gram Panchayat Charpara), all these writ petitions put to challenge the land acquisition proceedings. These writ petitions came to be dismissed by way of order dated 11.05.2022. It has been further argued by Mr. Bhaduri that, the petitioners in this case are residents of village Ghatbarra as is evident from the cause-title of the writ petition as also this writ appeal. Mr. Bhaduri has argued that the challenge pertaining to land acquisitions have been dismissed; the present writ petition in original is an attempt to circumvent the order delivered in those bunch of cases, which is with respect to the same area, same land in question and same land acquisition proceedings. He submitted that the very genesis of an identical challenge relating to the same proceedings is impermissible in view of the doctrine of res judicata as also doctrine of finality, apart from the attraction of the principle of merger.

12. Mr. Bhaduri has argued that this court having decided group of writ petitions in 2022 [WPC 302 of 2022, WPC 560 of 2022, WPC 698 of 2022 and WPC 1247 of 2022] the issue involved in the case has attained finality, therefore, the said finality cannot be disturbed through a collateral challenge as was made by way of the writ petition which rightly stood dismissed. In support of this submission Mr. Bhaduri has placed reliance on the judgment of the Supreme Court in the case of ***Union of India*** *v.* ***S.P. Sharma (Major)*** [(2014) 6 SCC 351]. It has been also submitted by Mr. Bhaduri referring to paragraphs 37 and 38 of the judgment of the

learned Single Judge elucidating the approach of the learned Single Judge regarding interpretation of the FR Act, 2006 and the Coal Bearing Areas Act. He further submitted that, the learned Single Judge has rightly relied upon a binding judgment of this Court delivered in a Division Bench in the case of **Mangal Sai Armo & others** v. **Union of India & others**. It has been submitted and argued by Mr. Bhaduri that whereas, initially, the Forest Right Committee challenged the order dated 08.01.2016, whereby conferment of forest rights was withdrawn. There is no challenge to the order dated 23.06.2011 issued by MoEF and forest clearance orders dated 06.07.2011 and 15.03.2012, and the diversion order issued by the State of Chhattisgarh dated 28.03.2012. In this regard Mr. Bhaduri has referred to the relevant pleadings made in the Return of the State/respondent before the writ petition in original which were duly considered by the learned Single Judge in paragraph 36 of the judgment.

13. In rebuttal, Ms. Gera learned counsel for the appellants submitted that the submissions advanced on behalf of respondent No.5 and the State proceed on an erroneous assumption that the present challenge is a disguised attempt to reopen concluded land acquisition proceedings. This premise is fundamentally incorrect. The appellants are not assailing the acquisition per se, but are specifically challenging the legality of diversion permissions and consequential actions which are vitiated due to non-compliance with the mandatory safeguards under the Forest Rights Act, 2006

and allied environmental statutes. The cause of action in the present writ petition is distinct, independent, and continues to subsist, as the illegality complained of goes to the root of post-acquisition statutory compliance and Gram Sabha consent, which are continuing obligations under law. It is further submitted that the plea of res judicata and finality raised by the respondents is wholly misconceived. The earlier writ petitions referred to by the State were primarily concerned with land acquisition proceedings, whereas the present lis pertains to violation of statutory forest rights and procedural safeguards under the FR Act, 2006, which were not directly or substantially adjudicated in the earlier round of litigation. Therefore, neither res judicata nor constructive res judicata can be invoked to non-suit the appellants in respect of independent statutory violations which continue to have legal consequences. The reliance placed on *S.P. Sharma (Major),* (supra) is misplaced inasmuch as the said judgment does not bar examination of continuing illegality arising from non-compliance with mandatory statutory requirements.

14. It is also submitted by Ms. Gera that the contention that foundational orders dated 23.06.2011, 15.03.2012 and 28.03.2012 were never challenged cannot be used to defeat the present claim, since the appellants' challenge is not to the mere grant of mining allocation, but to the failure to comply with subsequent statutory conditions precedent, particularly under the FR Act, 2006 and Gram Sabha consent requirements, which are

independent and continuing legal obligations. The illegality, therefore, is not exhausted by passage of time or by the mere issuance of earlier clearances. She contended that the reliance placed by the respondents on alleged lack of locus and withdrawal of earlier proceedings is also misconceived. The appellants, being members of the Gram Sabha and beneficiaries of community forest rights granted on 03.09.2013, continue to be directly affected by the cancellation of CFR rights and diversion of forest land. The right under the FR Act, 2006 is a collective statutory right, and its deprivation affects every member of the Gram Sabha. Hence, individual authorisation in a narrow procedural sense cannot defeat substantive statutory standing. Finally, it is submitted by Ms. Gera that reliance on *Mangal Sai Armo* (supra) and similar precedents is misplaced in the facts of the present case, as the appellants are not asserting any right over minerals or challenging State ownership thereof, but are asserting procedural and substantive compliance with forest rights legislation as a condition precedent to lawful diversion and use of forest land. The State's authority over minerals is not in dispute; however, such authority is subject to mandatory statutory compliance, as recognized by the Supreme Court in *Orissa Mining Corporation Ltd. v. MoEF (2013) 6 SCC 476*, which underscores the centrality of Gram Sabha consent and forest rights recognition prior to diversion, as such, the objections raised by the respondents are legally untenable and do not displace the

core illegality demonstrated in the impugned proceedings. The appeal therefore merits consideration on its own independent statutory and constitutional footing, uninfluenced by misplaced reliance on principles of finality or res judicata.

15. We have carefully considered the rival submissions advanced by learned counsel for the parties, perused the pleadings, the material placed on record, and the impugned judgment dated 08.10.2025 passed by the learned Single Judge.

16. At the outset, it is evident that the dispute has a long and chequered history involving successive rounds of statutory clearances, forest diversion approvals, mining operations, and multiple rounds of litigation, including earlier writ petitions decided by this Court in 2022. The learned Single Judge has undertaken a detailed examination of the entire factual matrix and has recorded findings on locus, delay, suppression of material facts, non-challenge to foundational orders, and the legal effect of statutory approvals already acted upon.

17. The principal contention of the appellants is that the alleged violation of the FR Act, 2006 renders all subsequent clearances illegal. However, the record indicates that the diversion process commenced as far back as 2011–2012, and statutory approvals were granted by competent authorities after due consideration, including phased clearances. It is also an admitted position that Phase-I mining has already been completed, and Phase-II approvals have been granted. The learned Single Judge has

specifically noted that the appellants failed to establish, on record, subsisting and enforceable community forest rights that were in force at the relevant point of time so as to vitiate the statutory clearances. The finding that, at this advanced stage of project implementation, even assuming some residual claims exist, the same are capable of being addressed by monetary compensation, cannot be said to be perverse or contrary to law, particularly in light of the settled principle that relief in writ jurisdiction must be moulded in a practical and equitable manner when irreversible stages of project execution have already been reached.

18. The learned Single Judge has given a clear finding that the petitioners failed to establish valid authorisation to continue the litigation after withdrawal by the original petitioner, and that Petitioners No. 2(1) to 2(6) did not demonstrate independent enforceable rights sufficient to maintain the writ petition. This Court finds no infirmity in the said conclusion. The record reflects that authorisation was limited in scope and did not automatically vest continuing authority in all individuals claiming membership of Gram Sabha. In absence of clear legal injury and enforceable standing, the challenge was rightly found to be not maintainable.

19. The learned Single Judge has also recorded categorical findings regarding suppression of material facts, particularly non-disclosure of earlier litigation including WPC No. 1247 of 2022 and other connected matters. The appellants' attempt to distinguish those proceedings is not persuasive, as the subject

matter pertains to the same acquisition and mining framework in the same geographical area. More significantly, the appellants admittedly did not challenge the foundational orders dated 23.06.2011, 15.03.2012, and 28.03.2012 at the appropriate time. These orders formed the basis of subsequent statutory actions and clearances. The law is well settled that when foundational orders remain unchallenged, subsequent challenges to consequential actions are not maintainable.

20. It is undisputed that a batch of writ petitions arising out of the same acquisition process, including WPC Nos. 302 of 2022, 560 of 2022, 698 of 2022 and 1247 of 2022, were already adjudicated by this Court. The learned Single Judge has rightly relied upon the principle of finality of litigation.

21. In ***Union of India v. S.P. Sharma (Major)***, reported in ***(2014) 6 SCC 351,*** where in an espionage racket several officers of the Army were subject to court martial and terminated, thereafter, several writ petitions were filed in the Delhi High Court which came to be dismissed in bunch of cases. However, some petitions were left out and some preferred to litigate separately. Although all the cases were duly contested by the Government of India, the implications of the previously decided cases by the High Court of Delhi on future cases which were constituted by circumventing the previous orders as a collateral and indirect method to upset the earlier findings of the Delhi High Court were considered in great detail by the Supreme Court.

22. In paragraphs 73 to 87 the Supreme Court has aptly summed up the applicability of doctrine of merger, doctrine of res judicata and principle of finality to judicial proceedings as under –

> **"73.** From the above, it is clear that the Union of India has been consistently contesting these petitions and this Court has found substance in the argument of the appellants that the High Court while delivering the judgment dated 21-12-2000 [*N.R. Ajwani* v. *Union of India*, (2002) 95 DLT 770] overlooked this important legal aspect of finality coupled with the doctrine of res judicata. In our considered opinion, this aspect cannot be ignored and the issue of fact cannot be reopened in the instant case as well as has been done under the impugned judgment [*N.R. Ajwani* v. *Union of India*, (2002) 95 DLT 770] by relying on certain material which the High Court described to have been fraudulently withheld from the courts. In our opinion, fraud is not a term or ornament nor can it be presumed to exist on the basis of a mere inference on some alleged material that is stated to have been discovered later on. The discovery of a reinvestigated fact could have been a ground of review in the same proceedings, but the same cannot be in our opinion made the basis for reopening the issue through a fresh round of litigation. A fresh writ petition or letters patent appeal which is in continuation of a writ petition cannot be filed collaterally to set aside the judgment of the same High Court rendered in an earlier round of litigation upholding the termination order. In our view, the High Court has committed a manifest error by not lawfully defining the scope of the fresh round of litigation on the principles of res judicata and doctrine of finality. To establish fraud, it is the material available which may lead to the conclusion that the failure to produce the material was deliberate or suppressed or even otherwise occasioned a failure of justice. This also, can be attempted if legally permissible only in the said proceedings and not in a collateral challenge raised after the matter has been finally decided in the first round of litigation. It is to be noticed that the judgment which had become final in 1980 also included Writ Petition No. 418 of 1980 [*S.P. Sharma* v. *Union of India*, CWP No. 418 of 1980, decided on 21-4-1980 (Del)] filed by the respondent S.P. Sharma. Once this Court had put a seal to the said litigation vide judgment dated 1-9-1980 then a second round of litigation by the same respondents including S.P. Sharma in Writ Petition No. 1643 of 1982 was misplaced.

74. The very genesis of an identical challenge relating to the same proceedings of termination on the pretext of a 5% cut in terminal benefits was impermissible apart from the attraction of the principle of merger. This aspect of finality, therefore, cannot be disturbed through a collateral challenge.

75. In *Naresh Shridhar Mirajkar* v. *State of Maharashtra* [AIR 1967 SC 1] this Court by a majority decision laid down the law that : (AIR p. 11, para 38)

> "*38*. … When a Judge deals with the matters brought before him for his adjudication, he first decides the questions of fact on which the parties are at issue, and then applies the relevant law to the said facts. Whether the findings of fact recorded by the Judge are right or wrong, and whether the conclusion of law drawn by him suffers from any infirmity, can be considered and decided if the party aggrieved by the decision of the Judge takes up the matter before the appellate court."

76. A decision rendered by a competent court cannot be challenged in collateral proceedings for the reason that if it is permitted to do so there would be "confusion and chaos and the finality of proceedings would cease to have any meaning".

77. In *Mohd. Aslam* v. *Union of India* [(1996) 2 SCC 749] a writ petition under Article 32 of the Constitution was filed seeking reconsideration of the judgment rendered by this Court on the ground that the said judgment is incorrect. Rejecting the prayer, this Court held that Article 32 of the Constitution is not available to assail the correctness of the decision on merit or to claim its reconsideration.

78. In *Babu Singh Bains* v. *Union of India* [(1996) 6 SCC 565 : AIR 1997 SC 116] this Court reiterated the settled principle of law that once an order passed on merits by this Court exercising the power under Article 136 of the Constitution has become final no writ petition under Article 32 of the Constitution on the self-same issue is maintainable. The principle of constructive res judicata stands fast in his way to raise the same contention once over.

79. In *Khoday Distilleries Ltd.* v. *Supreme Court of India* [(1996) 3 SCC 114] , this Court reiterated the view as under : (SCC p. 117, para 7)

> "*7*. … In a case like the present, where in substance the challenge is to the correctness of a decision on merits after it has become final, there can be no question of invoking Article 32 of the Constitution to claim reconsideration of the

> decision on the basis of its effect in accordance with law. Frequent resort to the decision in *Antulay* [*A.R. Antulay* v. *R.S. Nayak*, (1988) 2 SCC 602 : 1988 SCC (Cri) 372] in such situations is wholly misconceived and impels us to emphasise this fact."

80. In *M. Nagabhushana* v. *State of Karnataka* [(2011) 3 SCC 408 : (2011) 1 SCC (Civ) 733 : AIR 2011 SC 1113] this Court held that the doctrine of res judicata is not a technical doctrine but a fundamental principle which sustains the rule of law in ensuring finality in litigation. The main object of the doctrine is to promote a fair administration of justice and to prevent abuse of process of the court on the issues which have become final between the parties. The doctrine is based on two age-old principles, namely, *interest reipublicae ut sit finis litium* which means that it is in the interest of the State that there should be an end to litigation and the other principle is *nemo debet bis vexari, si constat curiae quod sit pro una et eadem causa* meaning thereby that no one ought to be vexed twice in a litigation if it appears to the court that it is for one and the same cause.

81. Thus, the principle of finality of litigation is based on a sound firm principle of public policy. In the absence of such a principle great oppression might result under the colour and pretence of law inasmuch as there will be no end to litigation. The doctrine of res judicata has been evolved to prevent such anarchy.

82. In a country governed by the rule of law, the finality of a judgment is absolutely imperative and great sanctity is attached to the finality of the judgment and it is not permissible for the parties to reopen the concluded judgments of the court as it would not only tantamount to merely an abuse of the process of the court but would have far-reaching adverse effect on the administration of justice. It would also nullify the doctrine of stare decisis, a well-established valuable principle of precedent which cannot be departed from unless there are compelling circumstances to do so. The judgments of the court and particularly of the Apex Court of a country cannot and should not be unsettled lightly.

83. Precedent keeps the law predictable and the law declared by this Court, being the law of the land, is binding on all courts/tribunals and authorities in India in view of Article 141 of the Constitution. The judicial system "only works if someone is allowed to have the last word" and the last word so spoken is accepted and religiously followed. The doctrine of stare decisis promotes a certainty and consistency in judicial decisions and this helps in the development of the law. Besides providing guidelines for

individuals as to what would be the consequences if he chooses the legal action, the doctrine promotes confidence of the people in the system of the judicial administration. Even otherwise it is an imperative necessity to avoid uncertainty and confusion. Judicial propriety and decorum demand that the law laid down by the highest court of the land must be given effect to.

84. In *Rupa Ashok Hurra* v. *Ashok Hurra* [(2002) 4 SCC 388 : AIR 2002 SC 1771] this Court dealt with the issue and held that reconsideration of a judgment of this Court which has attained finality is not normally permissible. A decision upon a question of law rendered by this Court was conclusive and would bind the court in subsequent cases. The court cannot sit in appeal against its own judgment.

85. In *Maganlal Chhaganlal (P) Ltd.* v. *Municipal Corpn. of Greater Bombay* [(1974) 2 SCC 402] this Court held as under : (SCC p. 425, para 22)

> "*22*. … At the same time, it has to be borne in mind that certainty and continuity are essential ingredients of the rule of law. Certainty in law would be considerably eroded and suffer a serious set back if the highest court of the land readily overrules the view expressed by it in earlier cases, even though that view has held the field for a number of years. In quite a number of cases which come up before this Court, two views are possible, and simply because the Court considers that the view not taken by the Court in the earlier case was a better view of the matter would not justify the overruling of the view. The law laid down by this Court is binding upon all courts in the country under Article 141 of the Constitution, and numerous cases all over the country are decided in accordance with the view taken by this Court. Many people arrange their affairs and large number of transactions also take place on the faith of the correctness of the view taken by this Court. It would create uncertainty, instability and confusion if the law propounded by this Court on the basis of which numerous cases have been decided and many transactions have taken place is held to be not the correct law."

Thus, in view of the above, it can be held that the doctrine of finality has to be applied in a strict legal sense.

86. While dealing with the issue this Court in *Ambika Prasad Mishra* v. *State of U.P.* [(1980) 3 SCC 719 : AIR 1980 SC 1762] held as under : (SCC p. 723, para 6)

> "*6*. It is wise to remember that fatal flaws silenced by earlier rulings cannot survive after death because a decision does not lose its authority 'merely because it was badly argued, inadequately considered and fallaciously reasoned'."
>
> **87.** The view has been expressed by a three-Judge Bench of this Court in these very proceedings while dismissing the special leave petitions of Subhash Juneja and Harish Lal Singh vide order dated 23-4-2003 [*Subhash Juneja* v. *Union of India*, (2006) 14 SCC 384] . This Court applied the doctrine of finality of judgment and res judicata and refused to reopen these very proceedings."

23. In the aforesaid judgment, the Hon'ble Supreme Court has clearly held that repeated or indirect attempts to reopen concluded issues through collateral proceedings are impermissible and barred by the principles of res judicata and finality. Applying the said principle, the present writ petition was correctly found to be an attempt to indirectly re-agitate issues already adjudicated, which is not permissible in law.

24. When we examine the findings recorded by the learned Single Judge in paragraph 27 of the judgment and its legal implication, we find ourselves in respectful agreement with the view as reproduced by us above in the case of ***S.P. Sharma (Major)*** (supra).

25. The reliance placed by the appellants on the FR Act, 2006 does not advance their case in the manner suggested. The learned Single Judge has rightly relied upon the binding precedent of this Court in *Mangal Sai Armo* (supra), wherein it has been clearly held that the FR Act, 2006 does not take away or override the State's sovereign rights over minerals beneath forest land. The

Act operates in a regulatory domain ensuring procedural safeguards but does not confer an absolute veto over development projects or mining operations duly cleared under law.

26. While affirming the reasons recorded by the learned Single Judge in paragraph 39 of the judgment while dismissing the writ petition, we hold that, apart from the reasons recorded in paragraph 39 of the judgment of the learned Single Judge, the writ petition in original is actually a collateral assault on the concluded proceedings by this court in a bunch of writ petitions [WPC 302 of 2022, WPC 560 of 2022, WPC 698 of 2022 and WPC 1247 of 2022] and as such a collateral attack is not permissible in view of the law laid down by the Supreme Court in the case of ***S.P. Sharma (Major)*** (supra).

27. We hold that the writ petition has been rightly dismissed by the learned Single Judge. We also hold that; the reliance placed on the Division Bench judgment of this Court in the case of ***Mangal Sai Armo*** (supra) by the learned Single Judge (in paragraphs 37 and 38 of his judgment) is in conformity with the sound principles of binding precedent, judicial discipline and propriety. We have no hesitation in affirming the findings of the learned Single Judge to this affect in paragraphs 37 and 38 of the judgment.

28. Further we find that in the writ petition in original the petitioners actually failed to put to challenge the order dated 23.06.2011 issued by MoEF and forest clearance orders dated 06.07.2011 and 15.03.2012, and the diversion order issued by the State of

Chhattisgarh dated 28.03.2012. Therefore, we find no good ground to disturb the order of the learned Single Judge.

29. The argument that no monetary compensation can substitute ecological loss, though conceptually appealing, cannot override the legal framework governing land acquisition and forest diversion once due statutory clearances have been granted and acted upon over a substantial period of time. Courts, while sensitive to environmental concerns, are also required to balance competing public interests, particularly where projects have attained substantial completion and involve larger public utility considerations.

30. In view of the foregoing discussion, this Court is of the considered opinion that the learned Single Judge has correctly appreciated the factual and legal position; the appellants have failed to establish enforceable rights or locus to maintain the writ petition; the challenge suffers from delay, suppression of material facts, and non-challenge to foundational orders; the issues sought to be raised stand concluded by earlier binding judgments and principles of finality; the statutory framework under the FR Act, 2006 does not support the appellants' claim to invalidate duly granted mining and forest diversion approvals at this stage.

31. As a result, considered in light of the authoritative pronouncements of the Supreme Court this Court is of the firm opinion that it would not be justified on our part in setting

aside/quashing the judgment of the learned Single Judge dated 08.10.2025 in WPC 1346 of 2016.

32. Thus, we hold that the writ appeal lacks merit. We **dismiss** the writ appeal.

33. In the facts and circumstances of the case there shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra

Head-Note

Repeated or indirect attempts to reopen concluded issues through collateral proceedings are impermissible and barred by the principles of res judicata and finality.