IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3812 of 2012

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ADDITIONAL SPECIAL LAND ACQUISITION OFFICER & ORS.

Versus

DECEASED NANUBHAI NARSINH RATHVA THRO HIS LEGAL HEIRS & ORS.

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Appearance:
MR BHAVESH DESAI AGP for the Appellants No. 1,2,3

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 04/08/2026

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. This appeal is directed against the judgment and award passed in group of Land Acquisition Reference Cases (LAR No. 555 of 2008 to 565 of 2008), decided by the Principal Senior Civil Judge, Panchmahal at Godhra. The Reference Court for the acquired land determined the market value at Rs.300/- per sq.mt as an additional compensation, over and above the compensation awarded by the Special Land Acquisition Officer. Being aggrieved by and dissatisfied with the judgment and award of the Reference Court dated 05.02.2011, the State through Additional Special Land Acquisition Officer, preferred present appeal under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure.

2. Brief facts can be summarized as under:

The land of the deceased Nanubhai Narsinh Rathwa was acquired for the purpose of Kalikua Irrigation Pond Canal work. The notification under Section 4 of the L.A. Act was issued on 05.07.2007 followed by the Notification under Section 6 published on 29.09.2007. The Award under Section 11 determining the market value Rs.6.90/- per sq.mt was passed. The Reference under Section 18 by the land owner being made to the Land Reference Court. The Land Reference Court, vide its judgment and award dated 05.02.2011, awarded additional amount of compensation of Rs.300/- per sq.mt over and above the compensation awarded by the Special Land Acquisition Officer.

3. We have heard learned AGP Mr. Bhavesh Desai for the appellant. Though served, none appeared for and on behalf of the respondents.

4. Mr. Desai, learned AGP while placing reliance upon the group of Appeals (First Appeal No. 3813 of 2012 and allied matters) decided on 30.06.2026, fairly submitted that, the matter is squarely covered by the judgment of the Appellate Court and as the judgment and award in another group of appeal (First Appeal No. 1637/1641 of 2012) came to be dismissed and the department has accepted the judgment of the Reference Court and no further appeal is filed challenging the judgment of the group of appeals.

5. We may profitably refer para-9 of the judgment and order dated 30.06.2026 passed in the group of Appeals (FA No.3813 of 2012) which reads as under:

> *9. Having heard the learned advocates for the respective parties and upon appreciating the evidence on record, it appears that, the entire base of the fixation of market value is the award passed in LAR No. 52 of 2003. Admittedly, in the said Reference, for the purpose of construction of by-pass road, the lands were acquired of the village: Vavdi Buzarg, Tal.: Godhra, wherein, the additional compensation of Rs.287/- per sq.mt. against the compensation of Rs.6.90/- per sq.mt awarded by the Special Land Acquisition Officer, Godhra. The Government has challenged the judgment and award by preferring First Appeal before this Court and accordingly, by upholding the judgment and award of the Land Reference Court, the group of Appeals (First Appeal Nos. 1637/1641 of 2012) came to be dismissed. The communication dated 27.05.2025, tendered by learned counsel Mr. Raval shows that the Government has accepted the said judgment and award. In such circumstances, in our view, the judgment pertaining to the acquired lands of the adjacent village: Vavdi Buzarg can be taken as a comparable instance and accordingly, we are fully agree with the market value determined by the Land Reference Court and no any error has been committed by the Land Reference Court while taken into account the market value of adjacent land.*

6. In such circumstances, in our opinion, no further reasons are required to be assigned as the matter is covered by the judgment and order of this Court, as referred above.

7. Thus, we do not find any merits in the present appeal and same stands dismissed. No order as to costs.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

P.S. JOSHI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PALLAV SUBHASHCHANDRA JOSHI(HC00177), Principal Pvt. Secretary, at High Court of Gujarat on 04/08/2026 16:34:02