IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1411 of 2020
With
R/FIRST APPEAL NO. 1492 of 2020

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THE SPECIAL LAND ACQUISITION OFFICER & ANR.
Versus
PRAJAPATI PRAHLADBHAI VARVABHAI

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Appearance:
MR RAHUL DAVE & MR BHAVESH DESAI AGPs for the Appellant(s) No. 1,2 in FA Nos.1411 and 1492 of 2020 respectively.
MR AV PRAJAPATI(672) for the Defendant(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI**

Date : 08/10/2025

COMMON ORAL ORDER

1. Heard learned AGP Mr. Rahul Dave and Mr. Bhavesh Desai for the appellants and learned advocate Mr. A. V. Prajapati for respondent. Perused the record.

2. At the outset, learned AGPs appearing for the appellants has submitted that the issue is squarely covered by the common oral judgment dated 17.9.2025 passed by the this Court in First Appeal No.1412 of 2020 and allied matters. It is further submitted that since the issue is squarely covered, this Court may pass similar order in this matter too.

3. For the sake of convenience, order dated 17.9.2025 passed by this Court in First Appeal No.1412 of 2020 and allied matters is reproduced hereunder:

"1. Heard learned AGP Ms. Ankita Rajput for the appellants and learned advocate Mr. A. V. Prajapati for respondents. Perused the record.

2. At the outset, learned advocate appearing for the appellants has submitted that the issue is squarely covered by the common oral judgment dated 1.9.2025 passed by the this Court in First Appeal No.309 of 2021 and allied matters. It is further submitted that since the issue is squarely covered, this Court may pass similar order in this matter too.

3. For the sake of convenience, order dated 1.9.2025 passed by this Court in First Appeal No.309 of 2021 and allied matters is reproduced hereunder:

> "1. The captioned First Appeals are filed by the appellants-original opponents under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') challenging the common judgment and award dated 28.08.2017 passed by learned Principal Senior Civil Judge, District Vijapur in group of Land Reference Case Nos.1 to 7 of 2014. The captioned First Appeals are arising out of the Land Reference Case Nos.3, 5, 7, 1, 6 and 4 of 2014 respectively. Issue involved in the appeals are same, therefore, the same are being decided together by this common oral judgment.
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> 2. Heard learned Assistant Government Pleader Mr. Rahul Dave, Ms. Devanshi Patel and Ms. Dharitri Pancholi for the appellants in the respective First Appeals and learned advocate Mr. A.V. Prajapati for the respondents. Perused the record.
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> 3. The brief facts of the case are as under:-
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> 3.1. The land of the respondent-original claimants situated at Village Changod Taluka-Vijapur, District-Mehsana was acquired for construction of Dharoi Canal. Notification under Section 4 of the Act was published on 07.03.2011. The Notification under Section 6 of the Act was published on 28.05.2012. The award under Section 11 came to be passed on 26.06.2013, wherein the respondent original-claimants was awarded compensation @ Rs.22/- per square metres. The claimants being aggrieved by the award, assailed the same before the learned Reference Court under Section 18 of the Act. Learned Reference Court

after considering the evidence, more particularly, the judgment and award given in LAR Nos.6 to 10 of 2012, 14 to 16 of 2012 and also considering the the map of the two villages viz, Changod and Jantral awarded additional compensation at Rs.587.27/- less Rs.22/- per square metres alongwith other statutory benefits.

3.2. Being aggrieved and dissatisfied with the impugned judgment and award, the original opponents-appellants have filed present First Appeals.

4. Learned Assistant Government Pleaders contended that the learned Reference Court has taken into consideration the decision passed in other Land Reference Cases and observed that claimants are entitled to additional compensation. It is further submitted that Land Acquisition Officer has after taking into consideration the evidence, awarded just and reasonable compensation in favour of the claimants. It is further contended that reliance placed upon the decision rendered in other reference proceedings, is not the correct method and manner of awarding additional compensation. The claimants have not produced any other evidence except the decision of learned Reference Court in other proceedings. Learned Reference Court has committed an error by awarding exhorbitant additional compenation. It is further submitted that learned Reference Court has not taken into consideration the comparison of fertility of both the lands i.e. the land of village Changod and the land of village Jantral. Except above, no other submissions are canvassed by learned Assistant Government Pleader for the appellants.

5. Per contra, learned advocate for the respondent-claimants has supported the judgment and award and contended that learned Reference Court has adopoted the acceptable method and manner in assessing the market price of the land in question. It is further contended that in the reference proceedings pertaining to LAR Nos.6 to 10 of 2012 and 14 to 16 of 2012, the land in question was of village Jantral whereas in the present case, the land in question is situated in village Changod. As per the map (Exhibit-34), the border of village Changod and Jantral is the same and the distance between the two villages is less than 5 kilometers. It is further contended that the decision rendered in the aforesaid reference cases was assailed before this Court by way of First Appeal No.896 of 2020 and allied matters by the appellants herein. The said appeal came to be dismissed on 24.02.2025 by the Co-ordinate Bench of this Court by affirming the decision rendered in aforesaid reference case. Since the decision of the reference proceedings has been affirmed by the co-ordinate bench of this court, the reference which has been taken by Learned Reference Court in deciding the case of the opponent does not

require any re-appreciation. The copy of common oral judgment dated 24.02.2025 passed by Co-ordinate Bench of this Court in First Appeal No.896 of 2020 and allied matter is placed on record, which is taken on record. Except above, no other submissions are canvased by learned advocate for the respondent.

6. I have heard learned Assistant Government Pleaders for the appellants and learned advocate for the respondent and perused papers. The land of the respondent original-claimants is situated in village changod and the acquiring body acquired the land of respondent for the purpose of construction of Dharoi Canal. Notification under Section 4 of the Act was published on 07.03.2011. The Notification under Section 6 of the Act was published on 28.05.2012. The Land Acquisition Officer awarded compenation at Rs.22/- per square metres which was assailed by claimants by way of reference case. While deciding the reference proceedings, learned Reference Court has relied upon the judgment and award passed in LAR Nos.6 to 10 of 2012, 14 to 16 of 2012. The land in question in the above reference proceedings pertains to village Jantral. Exhibit-34 which is map produced on record indicates that boundaries of the two villages namely Changod and Jantral is the same and there is hardly a distance of less than 5 kilometers between the two villages. More particularly, the Co-ordinate Bench of this Court while deciding the question of compensation arising out of LAR No.6 of 2012 and allied matters, has affirmed the order passed by learned Reference Court. When learned Reference Court, in the present case, has relied upon the judgment passed in reference cases pertaining to a nearby village namely Jantral and the same has been affirmed by the Co-ordinate Bench of this Court vide common order dated 24.02.2025 in First Appeal No.896 of 2020 and allied matters. It cannot be said that learned Reference Court has committed any error in relying upon the decision rendered in LAR No.6 fo 2012 and allied matters. While awarding compensation to the landlosers, learned Reference Court has to consider the factors which are envisaged under Section 23 of the Act and one of the most adopted and well-known factors is the decision rendered in reference proceedings pertaining to a nearby or adjoining village. Learned AGP could not point out any illegality or perversity committed by learned Reference Court in deciding the reference proceedings.

7. In the background of the aforesaid facts, I am of the view that learned Reference Court has not committed any error and has adopted one of the factors which is an accepted method to determine compensation in absence of any other evidence. Thus, First Appeals are dismissed accordingly. Claimants are entitled to Rs.587.27 paisa which includes the award of the Land Acquisition Officer.

> 8. The amount which has been deposited before the learned Reference Court be disbursed in favour of the claimants after due identification and verification as per the prevailing procedure.
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> 9. Record and Proceedings, if any, be sent back to the concerned Court / Tribunal forthwith."
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> 4. In view of above, following order is passed:
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> 4.1. In the background of the aforesaid facts, I am of the view that learned Reference Court has not committed any error and has adopted one of the factors which is an accepted method to determine compensation in absence of any other evidence. Thus, First Appeals are disposed of accordingly. Claimants are entitled to Rs.587.53 paisa which includes the award of the Land Acquisition Officer.
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> 4.2. The amount which has been deposited before the learned Reference Court be disbursed in favour of the claimants after due identification and verification as per the prevailing procedure.
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> 4.3. Record and Proceedings, if any, be sent back to the concerned Court / Tribunal forthwith.
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> 4.4. On deposit of the amount, the same shall be disbursed in favour of all the claimants through R.T.G.S. / N.E.F.T / Account Payee Cheque, after following appropriate procedure."

4. In view of above, following order is passed:

4.1. In the background of the aforesaid facts, I am of the view that learned Reference Court has not committed any error and has adopted one of the factors which is an accepted method to determine compensation in absence of any other evidence. Thus, First Appeals are disposed of accordingly. Claimants are entitled to Rs.587.53 paisa which includes the award of the Land Acquisition Officer.

4.2. The amount which has been deposited before the learned Reference Court be disbursed in favour of the claimants after due identification and verification as per the prevailing procedure.

4.3. Record and Proceedings, if any, be sent back to the concerned Court / Tribunal forthwith.

4.4. On deposit of the amount, the same shall be disbursed in favour of all the claimants through R.T.G.S. / N.E.F.T / Account Payee Cheque, after following appropriate procedure."

(D. M. DESAI,J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VATSAL KOTECHA(HC00352), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/10/2025 12:53:02