IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 2688 of 2026

==========

PATEL SANTABHAI JIVIDAS(DECD) PATEL SAMIBEN SANTABHAI (DECD.)THROUGH HIS LH. & ORS.

Versus

STATE OF GUJARAT & ANR.

==========

Appearance:
MR RAKESH R PATEL(3239) for the Appellant(s) No. 1,1.1,1.2,1.3,1.4,1.5,1.6,1.6.1,1.6.2,1.6.3
MS DHARITRI PANCHOLI, ASST. GOVERNMENT PLEADER for the Defendant(s) No. 1,2

==========

CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 29/06/2026

ORDER

1. The appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') questions the legality and propriety of the judgment and order passed in Reference Case No.1161 of 2011 by the learned 2nd Additional Senior Civil Judge, Mehsana @ Vijapur in a group of matters consisting of Reference Case No. 1147 of 2011 to 1164 of 2011, keeping the LAR no. 1147 of 2011 as main matter, whereby on 01.01.2013 the learned Reference Court granted additional compensation to the claimants at the rate of Rs.137.00/- per sq. mtr. with statutory benefits.

2. The facts, in a nutshell, are that, the land in question was acquired by the Special Land Acquisition Officer for the purpose of Dharoi Canal Yojana, Himmatnagar and the

Notification under Section 4 was published on 29.01.2008, followed by the Notification under Section 6 on 15.04.2008.

2.1 The Special Land Acquisition Officer, in exercise of power under Section 11 of 'the Act', after issuing notice to the concerned in LAQ Case No.38 of 2016, was pleased to pass the award of compensation of Rs.12/- per sq. mtr. for the agricultural land.

2.2 The original claimants, dissatisfied by such award, preferred Reference under Section 18 of 'the Act' to claim and obtain the compensation of Rs.1,000/- per sq. mtr.

2.3 Permitting both the parties to lead the evidence, learned Reference Court was pleased to fix the compensation at the rate of Rs.137.00/- per sq. mtr. as additional compensation, thereby totaling the compensation of Rs.149/- per sq. mtr. with statutory benefits.

2.4 Being aggrieved, the original claimants has filed this appeal.

3. Heard learned advocate Mr. Rakesh R. Patel appearing for appellant and learned AGP appearing for the State Government.

3.1 Learned advocate Mr. Rakesh R. Patel referred to the judgment passed in the ***First Appeal No.110 of 2023*** and allied matters by the coordinate Bench dated 01.07.2025 between ***Pathan Ikbal Latifkhan v. State Of Gujarat & Anr.,*** and

submitted that other group of the matters have been decided by the coordinate Bench in the said first appeal and awarded total compensation of Rs. 396/- per sq. mtr.

3.2 He would further submit that in view of the principle of *Res-judicata*, the judgment and award passed by the coordinate Bench will apply to the facts of the present case and thus, the appeal, therefore, deserves consideration to that extent.

3.3 Upon above submission, he submitted to allow this appeal.

4. Learned AGP on perusal of the judgment passed by the coordinate Bench in the First Appeal No.110 of 2023 was pleased to submit that this Court may pass the necessary order.

5. Having heard learned advocates for both the sides and considering the fact that the other matters in a group of LARs matters have been finally decided by the coordinate Bench in First Appeal No.110 of 2023 and allied matters by judgment dated 01.07.2025, this appeal deserves to be allowed on the reasons assigned by the coordinate Bench. Para 12 and 13 of the judgment passed by the coordinate Bench reads as under:-

> *"12. The only question remains for consideration is that in the land reference Cases bearing Land Reference Cases Nos.151 of 2015 to 163 of 2015, section 4 notification was published on 25.3.2011 whereas in the present case, it is published on 29.1.2008. The duration between 2 notifications is almost 39 months. Therefore, the deduction is required to be considered while determining the market*

value of the land in question. When there is a substantial gap between the 2 notifications, it would be appropriate to deduct 10% decrease on the market value of the land in question.

13. In the present case, the judgment and award in the land reference cases is required to be modified and the claimants are entitled to compensation of Rs.396/- (Rs.586-190) per square meter (Rs.586X10X39 months / 100X12 + Rs.190.45, rounded off as Rs.190/-). The Special Land Acquisition Officer and the learned reference Court has determined the market value of the land in question @ Rs.12/- and Rs.137/- per square meter. Therefore, the additional compensation would come to Rs.253/- per square meter."

6. In view of above, this Court adopts the very same reasons and grant the total compensation of Rs.396/- per sq. mtr., which includes the compensation already fixed by the Special Land Acquisition Officer as well as by the learned Reference Court. In nutshell, the claimants would be entitled to compensation of Rs.396/- per sq. mtr. with statutory benefits.

7. Here the appeal was filed in delay and it was a delay of 4743 days. Therefore, the appellant would not be entitled to the interest of 4743 days on the enhanced amount of compensation.

8. In view of above, the appeal is allowed. In aforesaid terms, the compensation is enhanced and accordingly, the respondents herein are directed to deposit the additional amount before the learned Reference Court within ***12 weeks*** from the date of receipt of this order.

9. Upon deposit of the additional amount of compensation, the learned Reference Court is directed to disburse the amount of compensation deposited by the State Government after deducting Court fee to the claimants along with interest and after due verification and identification and after verifying their right to claim the compensation.

10. Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

(J. C. DOSHI,J)

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 29/06/2026 14:38:18