IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3813 of 2012
With
R/FIRST APPEAL NO. 3815 of 2012
With
R/FIRST APPEAL NO. 3821 of 2012

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

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Approved for Reporting	Yes	No

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ADDITIONAL SPECIAL LAND ACQUISITION OFFICER & ORS.
Versus
FULSINH CHHAGANBHAI BHIL

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Appearance:
MR BHAVESH DESAI AGP for the Appellants No. 1,2,3
MR VIJAY N RAVAL(2025) for the Defendant(s) No. 1
RULE SERVED for the Defendant(s) No. 1

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

Date : 30/06/2026

COMMON ORAL JUDGMENT

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

1. As all the appeals arise from the common judgment and award of the Reference Court, Panchmahal at Godhra, they are being considered by this common judgment.

2. These three appeals is directed against the common judgment and award dated 05.02.2011, whereby, while partly allowing the Reference of the original claimants, the Land Reference Court, has observed that, the claimants are entitled to get an amount of Rs.300/- per sq.mt for the acquired lands as an additional compensation over and above, the compensation awarded by the Special Land Acquisition Officer.

3. Being aggrieved by and dissatisfied with the judgment and award of the Land Reference Court, the Additional Special Land Acquisition Officer, Panchmahal with the other concerned office, have preferred present appeals under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure.

4. Facts relevant for deciding the appeals are as follow:

(i) The land in question acquired for the purpose of Kali Kuva Irrigation Pond Canal Work by issuing notifications under Sections 4 and 6 of the Land Acquisition Act;

(ii) After affording opportunity of being heard, the Special Land Acquisition Officer, Panchmahal declared his Award under Section 11 of the Land Acquisition Act on 18.03.2008, whereby, three claimants were awarded Rs.69,000/- per hactor for the acquired lands.

(iii) Against the aforesaid award dated 18.03.2008, the original claimants – respondents herein preferred Reference under Section

18 of the Land Acquisition Act, being Land Acquisition Reference Nos. 556 of 2008, 558 of 2008 and 564 of 2008 before the Court of learned Senior Civil Judge Panchmahal at Godhra, which came to be consolidated and heard together.

(iv) That the learned Principal Civil Judge, by judgment and award dated 05.02.2011 was pleased to partly allowed the Reference of the original claimants – respondents and granted compensation to the tune of Rs.300/- per sq.mt of the acquired land.

(v) The necessary details of the Reference Cases are as follows:

(a) - Appeal No. 3813 of 2012 (LAR No. 556 of 2008)
- Claimant : Fulsing Bhil, resident of village: Aangadia, Tal.: Godhra
- Land Survey No. 225/Paiki, admeasuring 22 sq.mt was acquired.

(b) - Appeal No. 3815 of 2012 (LAR No. 558 of 2008)
- Claimant : Mansukh Tersing Bhil, resident of village: Aangadia, Tal.: Godhra
- Land Survey No. 267, 266/Paiki, admeasuring 20 sq.mt was acquired.

(c) - Appeal No. 3821 of 2012 (LAR No. 564 of 2008)
- Claimant : LR of deceased Somabhai Buddhabhai Bhil, resident of village: Aangadia, Tal.: Godhra
- Land Survey No. 237/264, admeasuring 21 sq.mt was acquired.

5. We have heard learned counsel Mr. Bhavesh Desai, learned AGP and Mr. Vijay N. Raval, learned counsel appearing for and on behalf of the respondents claimants.

6. Mr. Desai, learned AGP while assailing the impugned judgment and award, made following submissions :

(a) That the judgment and award is contrary to law and evidence on record.

(b) That, admittedly claimants have not submitted their objections, as required under Section 9 of the Act.

(c) That the claimants have not produced sufficient material and evidence for enhancement of the amount of compensation.

(d) That the findings for additional compensation are contrary to the guidelines for considering the case of enhancement of compensation.

(e) That there is no evidence to prove the fertility of the land as well as irrigation facilities.

(f) That, the Special Land Acquisition Officer has rightly fixed the amount, after taking into consideration the 5 years sale instances of the nearby areas, locations, potentiality etc.

(g) That the Reference Court has not assigned cogent reasons for arriving at the conclusion with respect to the compensation.

(h) That the acquired land is agricultural land and is under undeveloped area.

In such circumstances referred to above, the learned AGP urged that, the Special Land Acquisition Officer has rightly awarded Rs.69,000/- per hactor and thus, by allowing the appeal, the judgment and award passed by the Land Reference Court be modified to that extent.

7. On the other hand Mr. Vijay Raval, learned counsel appearing for the respondents has stated that, the market value of the adjacent lands, which were acquired, having been finally accepted by the Government and therefore, while determining the market value, the Land Reference Court has not committed any error and thus, the Appeals may not be entertained.

8. On the market value of the adjacent land acquired, the learned AGP relying on the approved map, submits that, the having regard to the distance between the village: Vavdi Buzarg and village: Aangadia, it cannot be taken as a comparable distance.

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.

10. For the reasons recorded, we do not find any merits in the present appeals. Accordingly, the appeals stand dismissed. No order as to costs. Registry is directed to send back the R&P to the court concerned. The issue regarding apportionment of compensation, if any, be carried out by the Reference Court. Registry is directed to keep copy of the order in each matter.

(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 02/07/2026 16:22:06