**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/FIRST APPEAL NO. 4901 of 2010**

**With**
**R/CROSS OBJECTION NO. 34 of 2011**
**In**
**R/FIRST APPEAL NO. 4901 of 2010**
**With**
**R/CROSS OBJECTION NO. 39 of 2011**
**In**
**R/FIRST APPEAL NO. 4907 of 2010**

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SPECIAL LAND ACQUISITION OFFICER & ORS.

Versus

BHIMSANGBHAI JIBHAI DHARMA & ORS.

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Appearance:
MS DHARITRI PANCHOLI, AGP for the Appellants
MR NR DESAI, ADVOCATE for MR P P MAJMUDAR(5284) & MR SP MAJMUDAR(3456) for the Respondent No. 1,2
RULE SERVED for the Respondent No. 3

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

**Date : 18/06/2026**

**ORDER IN FA 4901 OF 2010 & CROSS OBJECTION 34 OF 2011**

1. Present appeal is preferred under section 54 of the Land Acquisition Act, 1894 (for short “the Act”) read with section 96 of the Code of Civil Procedure, 1908 (for short “the Code”) by the State against the common judgment and award dated 31.1.2009 passed by the learned Principal Senior Civil Judge, Bharuch in Land Acquisition Reference Case No.670 of 1998, whereby, additional amount of Rs.100/- per sq mtr for the acquired lands has been awarded with other consequential benefits to the original claimants.

2. The lands of the claimants situated at village Osara, Tal: & Dist: Bharuch came to be acquired by the State for the purpose of Narmada Project by issuing notifications under sections 4 and 6 of the Act. The Special Land Acquisition Officer vide his award u/s 11 of the Act, awarded Rs.2.60/- per sq mtr for non-irrigated land and Rs.3.90/- per sq mtr as compensation for the acquired lands. The claimants preferred reference under section 18 of the Act before the Court of learned Reference Court, Bharuch. Since, there are more than one claimants, Land Reference Case Nos.667/1998 to 675/1998, 697/1998 and 812/1998 have been registered. The learned Reference Court, by impugned common judgment and award, partly allowed the reference of the original claimants and granted additional amount of compensation of Rs. 100/- per sq.mtr over and above the compensation awarded by the Special Land Acquisition Officer. Feeling aggrieved by the award, the State has preferred the present appeal.

2.1 The original claimants also filed cross objection for enhancement of the compensation.

3. Heard learned advocates for the respective parties.

4. What could be noticeable that the learned Reference Court while granting additional compensation of Rs.100/- per sq mtr, relied upon the judgment of Land Acquisition Reference Case No.561/1991 at Exh.72.

5. During the course of hearing, learned advocate Mr.NR Desai placed on record judgment and of the Division Bench of this Court rendered in First Appeal Nos.305 to 320 of 2005, which is ordered to be taken on record, whereby, the Division Bench of this Court confirmed the judgment and award passed in Land Acquisition Reference Case No.561/1991. Meaning thereby, the award passed in Land Reference Case No. 561/1991 has become final between the parties and therefore, no reason remains with the State to ventilate a grievance against the impugned common judgment and award on the principle of estoppel.

6. Thus, the issue remains no more *res integra* and hence, no ground is made out to interfere with the impugned common judgment and award of the learned Reference Court. Under the circumstances, present first appeal as well as cross objection deserve to be dismissed and are accordingly dismissed.

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

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

**CROSS OBJECTION 39 OF 2011**

Perused the office note dated 17.6.2026. Registry is directed to reconstruct papers of Cross Objection No.39 of 2011.

Perusing the office note, it appears that main First Appeal No.4907 of 2010 has been disposed of as withdrawn in Lok Adalat vide order dated 14.3.2015. Under the circumstances, present cross objection does not survive and stands disposed of accordingly.

The learned Reference Court is directed to disburse the amount of compensation deposited by the State Government, if not disbursed so far, after deducting Court fee to the claimants after due verification and identification along with interest and after verifying their right to claim the compensation.

Registry to maintain copy of this order in each matter.

**(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 18/06/2026 16:00:59