

HIGH COURT OF GUJARAT

**SPECIAL LAND ACQUISITION OFFICER
V/S
PRABHATSANG SHIVUBHAI**

Date of Decision: 21 July 2008

Citation: 2008 LawSuit(Guj) 1552

Hon'ble Judges: [K S Jhaveri](#)

Case Type: First Appeal

Case No: 5203 of 2007; 5218 of 2007

Subject: Civil, Property

Acts Referred:

[Land Acquisition Act, 1894 Sec 6, Sec 18, Sec 4](#)

Final Decision: Appeal allowed

Advocates: [Sunit Shah](#), [J K Shah](#), [Hemant Makwana](#), [D R Chauhan](#), [A J Patel](#)

Judgement Text:-

K S Jhaveri, J

[1] These appeals are directed against the judgment and award dated 05.08.2006 passed by the learned 4th Addl. Senior Civil Judge, Ahmedabad (Rural), Navrangpura in Land Reference Cases No. 156/2003 to 171/2003 whereby, the original claimants have been awarded additional compensation @ Rs.38.70 per sq. metre for their acquired lands over and above the compensation offered to them by the Special Land

Acquisition Officer @ Rs.2.20 per sq. metre.

[2] The facts in brief are as under;

2.1 The lands of the respondents, original claimants, situated in the sim of Village Gangad, Taluka Dholka, District Ahmedabad was proposed to be expired by the appellant for the purpose of construction of the Narmada Canal. The Notification u/s. 4 of the Land Acquisition Act, 1894 [for short, "the Act"] was published on 24.07.2001. Thereafter, Notification u/s. 6 of the Act came to be published on 22.11.2001. On completion of the necessary formalities, the Special Land Acquisition Officer, by award dated 21.10.2002 granted compensation @ Rs.2.20 per sq. metre for the acquired lands.

2.2 Being aggrieved by the said award, the claimants submitted applications u/s. 18 of the Act requiring the authority to refer their cases to the Court for the purpose of determination of just amount of compensation payable to them. Accordingly, the references were made to the trial Court, where they were registered as Land Acquisition Cases referred to herein above.

2.3 On the basis of the evidence adduced by the parties, the Reference Court awarded additional amount of compensation @ Rs.38.70 per sq. metre to the claimants by the impugned award. Hence, these appeals.

[3] Heard learned counsel for the respective parties. Learned counsel for the appellant State has relied upon a decision of this Court passed in a group of appeals being First Appeals No.4910/2006 to 4923/2006 dated 07.12.2006. In that case, this Court awarded an additional amount of Rs.35/- per sq. metre as against Rs.35.64 per sq. metre awarded by the Reference Court in respect of the lands situated in Village Koth, Taluka Dholka, District Ahmedabad. In the decision relied upon by the appellants, the Notification u/s. 4 of the Act was published on 05.02.2000; whereas, in the instant case, the Notification was published on 24.07.2001, i.e. After a gap of almost 1? years.

[4] If we follow the decision rendered in the aforesaid appeals, then the claimants shall be entitled for a 14 per cent rise. Learned counsel for both the sides are agreeable that the claimants could be awarded additional compensation on the basis of a 14 per cent rise, as referred to herein above.

[5] In view of the above, the impugned judgment and award passed by the Reference Court is modified to the extent that the claimants will be entitled to an aggregate amount of Rs.39.70 per sq. metre instead of Rs.40.90 awarded by the Reference Court, meaning thereby, that the claimants will be entitled for an additional amount of Rs.37.50 per sq. metre towards compensation for their acquired lands. The other benefits, which are granted to the claimants by the impugned award, are not interfered with and are hereby confirmed. The appeals is partly allowed. There shall be no order as to costs.

