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IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AMRELI, AT : AMRELI.

Land Reference Case No. 35/13 (Main)
Together with consolidated
Land Reference Case Nos. 34/13, 36/13, 38/13 & 41/13.

Exh. : 39

Land Reference Case No. 35/13 (Main)

Claimant :

Muljibhai Raghavbhai Kothari

Land Reference Case No. 34/13.

Claimant :

Madhubhai Kanjibhai Khatara

Land Reference Case No. 36/13.

Claimant :

Rameshbhai Raghavbhai Kothari,

Land Reference Case No. 38/13.

Claimant :

Dakubhai Raghavbhai Kothari

Land Reference Case No. 41/13.

Claimant :

Vinubhai Goganbhai Savaliya,

Versus

Common Opponents :

1. The State of Gujarat,
(Notice/Summons through District Collector,
Amreli).

2. The Deputy Collector,
(Land Acquisition & Rehabilitation).

3. The Executive Engineer,
(Road & Building Department), Amreli.

APPEARANCE (In all above Reference) :

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Ld. Advocate for the claimants : Mr. K.D. Patel.
Learned D.G.P for the opponent Nos.1 & 2 : Mr. J.B. Rajgor.
Learned Advocate for the opponent No. 3 : Mr. P.J. Shukla.

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:: **COMMON JUDGMENT** ::

1. At the outset, it is relevant to record that the present group of Land Reference Cases, alongside Land Reference Case Nos. 31/2013 to 42/2013, were originally instituted by the claimants before this Court. Pursuant to the order passed by the learned predecessor Judge, these matters were consolidated and tried jointly.

Upon the conclusion of the trial, all the aforementioned matters were rejected by the learned predecessor Judge vide Judgment and Decree dated 29/01/2020, on the ground that the applicants failed to establish that the compensation awarded to them was inadequate or unreasonable. Being aggrieved and dissatisfied with the said judgment and award, some of the claimants of above group (all the claimants of this group) had approached to Hon'ble Gujarat High Court challenging the Judgment of Principal Senior Civil Judge, Amreli by filing appeals bearing R/First Appeal No. 3370/2025, 1331/2025, 1335/2025, 3077/2025, 3185/2025. The said appeals came to be disposed of by the Hon'ble Gujarat High Court by oral order dtd. 25/08/2025, 01/09/2025, 16/09/2025 & 16/03/2026 and thereby impugned order of the Trial Court came to be quashed and set aside and remanded the matter with observations and directions to hear and decide the reference/s afresh after opportunity of hearing to both the sides to lead the evidence within a period of six months from the date of receipt of the writ of that order.

Accordingly, upon recording the evidence adduced by both parties, the present group of Land Reference Cases is taken up for fresh adjudication.

2. The Present Land Acquisition Reference cases have been arisen from the Award dated 02/09/2013 passed in Land Acquisition Case No. 13(1)/12 by Dy. Collector, Amreli under section 11 of the Land Acquisition Act (hereinafter referred to as the Act for brevity and convenience).

Upon remand of the matters, Land Reference Case No. 38/2013 & 41/2013 were consolidated with Land Reference Case No. 35/2013 vide order dated 02/01/2026 passed by this Court at Exh. 28. Furthermore, Land Reference Case Nos. 34/2013 and 36/2013 were consolidated vide order dated 03/07/2026 passed by this Court at Exh. 24 in Land Reference Case No. 34/2013.

3. Relevant dates and facts of the LAQ case are as under :

Date of Notification u/S.4 of the Act	29/09/2012
Date of publication of notification u/S.4 of the Act	18/10/2012
Date of Notification u/S.6 of the Act	23/05/2013
Date of publication of notification u/S.6 of the Act	06/06/2013
For Project	Rikadiya-Chital-Jaswantgadh Road Project
Location	Village : Rikadiya, Ta. & Dist. : Amreli
Date of Award u/S.11 of the Act	02/09/2013
Total area under acquisition	00-93-16 H.-A.-Sq.Mtr.
Market value held by Sp. Land Acquisition officer	Rs. 160 per Sq.Mtr. for Gamtal land Rs. 47 per sq.mtr. for Bagayat land Rs. 42 per sq.mtr. for Jirayat land
Market value prayed by claimants per sq.mtr.	Rs.500 per sq.mtr.
Date of reference application to the Land Acquisition Officer	29/11/2013
Present land reference referred to the	03/12/2013

Court	

4. Claimants have filed the reference cases u/S.18 of the Act for the enhancement of the compensation. References have been arisen from the common Award made u/S.11 of the Act by the Land Acquisition Officer on 02/09/2013 for the lands of which measurement and description are given in the Award compensation. The lands of village Rikadiya, Tal. :Amreli, Dist.: Amreli are acquired for the purpose of Rikadiya-Chital-Jaswantgadh Road Project. Notification u/S.4 was published on 18/10/2012 and u/S. 6 was published on 06/06/2013. After following due procedure of law, the Land Acquisition Officer declared the Award determining the market value of land of the claimants at Rs. 160/- per sq.mtr. for Gamtal land, Rs. 47/- per sq.mtr. for Bagayat land and Rs. 42/- per sq.mtr. for Jirayat land. The details of the acquired lands are given by the Land Acquisition Officer in the statement annexed with the Award. With regard to measurement and distribution, there is no dispute between the parties.

5. The Dy. Collector, Amreli acquired following lands situated in the village Rikadiya, Tal.Amreli, Dist.Amreli for the purpose of Rikadiya-Chital-Jaswantgadh Road Project.

Sr. No.	Name of the land owner	Block/Survey No. of the acquired land	Total area of acquired land
1.	Samjuben Bhurabhai etc. 7	42/1	0-04-42
2.	Samjuben Bhurabhai	42/2	0-08-55
3.	Rameshbhai Shambhubhai	43/1	0-01-80

4.	Rameshbhai Shambhubhai	43/2	0-20-66
5.	Ramuben Laljibhai	45/1 Paiki	0-00-32
6.	Jaysukhbhai Ravjibhai	45/1 Paiki	0-00-14
7.	Vinubhai Gaganbhai	59/1	0-00-54
8.	Parshottambhai Bhadabhai	60/1	0-06-45
9.	Himmatbhai Goganbhai	60/2 Paiki	0-03-68
10.	Vinubhai Goganbhai	60/2 Paiki	0-05-70
11.	Vitthalbhai Vaghjibai	79 Paiki	0-00-68
12.	Madhubhai Gandabhai	80	0-06-30
13.	Madhubhai Kanjibhai	81 Paiki	0-04-64
14.	Babubhai Kanjibhai	81 Paiki	0-00-66
15.	Muljibhai Raghavbhai	83 Paiki	0-00-68
16.	Rameshbhai Raghavbhai	83 Paiki	0-01-76
17.	Dakubhai Raghubhai	83 Paiki	0-06-74
18.	Bharatbhai Devshibhai	84 Paiki	0-16-26
19.	Champaben Jayantibhai	84 Paiki	0-00-10
20.	Jayantibhai Devshibhai	84 Paiki	0-03-08

6. Claimants have stated that all the references are having common evidence and the lands which are acquired are situated nearby. Therefore, all the reference applications have been consolidated for evidence and further proceedings are taken in Land Reference Case No. 35/2013. It is the case of the claimants that they have accepted the amount of Award with protest as the said amount of compensation is inadequate, meager and insufficient considering the price prevailing at the time of notification u/S.4. It is the case of the claimants that they have claimed

Rs.500/-per sq. mtr. considering the yield products taken by them from the acquired lands. However, the Land Acquisition Officer has awarded and fixed the market price at the rate of Rs. 160/-, 47/- & 42/- per sq. mtr. for Gamtal, Bagayat & Jirayat land respectively on the basis of sale instances for previous five years, which is very less and inadequate.

6.1 The claimants have further submitted that the lands which are acquired are of great potentiality and fertility and capable of fetching more value. The Land Acquisition Officer has valued their land at very low price. He has mistaken in that and has not taken into consideration documents and evidences. Land Acquisition Officer has also not taken into consideration the hedge, embankment, trees, well, bore-well as well as construction over the land. He had to consider crops, yield products and prevailing market rate of yield products which he has not considered. Hence, he has committed this gross mistake. The acquired lands are irrigated by claimants by wells and tube-wells. Lands which are acquired are of Bagayat in nature and fertile lands. Further, the acquired lands were the only source of livelihood of applicants. It is further averred that in September-2013, new law has came into effect, but the provisions of the said law were not followed in the present case and Award is passed as per old provisions of the Act. Hence, claimants are entitled for the benefits under the Act. The claimants have also claimed additional amount of compensation at the rate of 12 % as per the provisions of Section 23(1)(A) of the Act and has also claimed solatium at the rate of 30 % on the additional amount of compensation and the admissible interest as per the provisions of the Land Acquisition Act.

7. The notices of the references were served upon the opponents. Opponent Nos.1 & 2 have produced written statement at Exh. 14. In their reply of Exh. 14, the opponents have contended that the price of land is calculated as per the provisions of Land Acquisition Act, after considering the five years market price rate of sale of the land on the nearby area. The valuation report of every land is prepared as per the category of land, construction on land etc. and the amount is paid accordingly. As per Land Acquisition Act and in accordance with revenue record the amount of land is decided depending as Gamtal land, irrigated or non-irrigated land as per the law. 30% solatium amount is paid to the applicants. 12% interest as per Section 23(1)A is also paid to the applicants. It is further contended that the procedure of acquisition of land is conducted as per provisions of Land Acquisition Act. Depreciation of construction is evaluated as per rules and regulations and after deducting it, the calculation of the compensation is made and therefore the compensation given to the owner of the property is fair and proper and therefore there is no question of additional compensation. That, the valuation is made on the basis of joint measurement and survey of the authorized surveyor of revenue department and authorized representative of R & B Department as per rules and regulations of land acquisition and rehabilitation and therefore demand made by the claimants being quite unfair, there is no question to award price increase. The entire process of acquisition of lands made by the acquisition officer as per rules and regulations of Land Acquisition Act and the amount is based on natural principles of justice and hence the applicants are not entitled to increase in the amount of award, and therefore, question does not survive to make any additional payment to the claimants. Lastly the opponents by raising another ancillary grounds has urged to dismiss the Land Reference cases of the present group land reference cases. After denying the allegations, they have submitted further that Land Acquisition Officer made the Award after taking into consideration all the relevant sale instances and factors and there is no reason to disturb the said Award because it is legal proper as well as adequate. They have requested to reject the references.

7.1 While, Ld. Advocate Mr. P. J. Shukla for the opponent No. 3 adopted the reply produced by the opponent Nos. 1 & 2, by purshis vide Exh. 15.

8. Considering the above dispute between the parties, the following issues have been framed by my Ld. Predecessor vide Exh. 16, in L.A.R. No. 35/2013 for the determination of the cases :

:: <u>I S S U E S</u> ::

[1] Whether the applicant proves that the amount paid by the land Acquisition Office for the land acquired by the Government is inadequate as alleged ?

[2] Whether applicant is entitled to get additional compensation ? If yes, how much ?

[3] Whether present application (Reference) is barred by

law of Limitation ?

[4] What order and Award ?

9. My findings to the above issues are as follows :

[1] In affirmative.

[2] Yes, as per final order.

[3] In negative.

[4] As per final order.

:: **R E A S O N S** ::

ISSUE NOS. 1 to 3.

10. All the above issues are co-related and inter connected with each others and therefore, with a view to avoid unnecessary repetition of facts and evidence, Issue Nos. 1 to 3 are discussed and decided jointly at the same head.

11. All these Land Reference cases have come up before this court for enhancement of the amount of compensation awarded to the claimants whose lands have been acquired by the Land Acquisition officer. This court has to consider the scope and power of this court u/s 23 of the Land Acquisition Act. The claimants have claimed the compensation for their lands acquired for "**RIKADIYA-CHITAL-JASHWANTGADH ROAD PROJECT**". Hence, they are entitled to get the reasonable compensation for their lands u/s 23 of the Land Acquisition Act. The compensation to which the claimants may be entitled, is the prevailing market value of the land at the time of publication of the Notification u/s 4 of the Act. The market value of the lands can be ascertained by the evidence produced by the parties and consistent with the law applicable to assess the amount of compensation. The market value of the land at any point of time can be ascertained by considering the sale instances of the part of the same or surrounding lands. On the basis and strength of sale instances, to ascertain the market value of the land, is the best method and the court can decide probable market price relying upon these sale instances, but if this method of ascertaining the market value is not available then the market value of the land has to be ascertained by considering as to what price the willing purchaser would be willing to pay to the seller having regards to the condition, Advantages, potential probabilities when sold out in its most advantageous manner. The next method for deciding the price is crop manner. The next method for deciding the price is crop potential basis and if claimants have adduced evidence on crop potential, the court can consider such type of evidence and can decide price exist on the date of notification u/s 4 of the Land Acquisition Act and thereafter the next method is either expert evidence or any other documentary evidence. In present case, necessary discussion is made about the method in relevant part of the evidence and also at the time of determination of the price of the land.

12. Before proceed further, it is necessary to mention here that all the applicants are residing at village Rikadiya of Amreli Taluka and their lands are situated at the outskirts of Rikadiya village, have been acquired for the said project and the time of determination of the prevailing market price of the lands at the time of publication of notification u/s 4 of the Act, lands are situated adjacent to village Rikadiya and by the common Award, the lands of the applicants are acquired for the same project and hence, for the sake of convenience and brevity and looking to the interest of the parties, other Land Reference case Nos. 34/13, 36/13, 38/13 & 41/13 are consolidated with the Main Land Reference case No. 35/2013 as per order passed below Exh. 28 & 24 dtd. 02/01/2026 & 03/07/2026 respectively as stated above and the evidence is therefore, recorded in the main Land Reference case No. 35/2013 and by this common Judgment other consolidated Land Reference cases of this group are decided accordingly.

13. The claimants' side have adduced following oral evidences.

Sr. No.	**Name of the witnesses**	**Exhibit No.**
1	Affidavit of evidence of Dakubhai Raghavbhai Kothari [Deposition] (LRC No. 38/2013) (After remand back)	33

14. The claimants' side have produced following documentary evidence.

Sr. No.	**Nature of documents**	**Exhibit No.**
1	Certified copies of Award of date 02/09/2013 passed in Acquisition Case No. 13(1)/12.	4
2	Certified copy of judgment dtd. 11/09/2014 passed in LRC Case No. 31/2013 (Main) by Principal Senior Civil Judge, Amreli	32

3	Closing Purshis	34

15. The Opponents side have not produced any oral evidence except the following documentary evidence.

Sr. No.	**Nature of documents**	**Exhibit/ Mark**
1	Copy of affidavit in form of examination-in-chief of Shri D. N. Satani, Dy. Collector, Amreli and cross-examination conducted by the Ld. Advocate for the claimants	36/1
2	Closing purshis	37

16. Ld. advocate of the claimants Mr. K.D. Patel has produced his written argument vide **Exh. 38,** wherein it is stated that, in the instant matter, the applicants state in their reference application that their land was acquired for the purpose of Rikadiya - Chital - Jaswantgadh Road. The said land was in the direct possession and enjoyment of the applicants and comprised irrigated agricultural land. The land in question was level and fertile. The applicants were cultivating the said land using modern agricultural methods, taking two to three seasonal crops every year, and earning a net profit of Rs. 2,00,000/- per Bigha. It is further submitted that, the acquired land of the applicants was situated on the outskirts of the village, having potential for future development. The village in which the acquisition took place was equipped with facilities such as an Anganwadi (nursery school), primary school, gram panchayat office, dairy cooperative society, cooperative society, government hospital, as well as water, electricity, telephone, and road infrastructure. The applicants state in their reference application that owing to continuous currency depreciation over time, they claim compensation for the acquired land at the rate of Rs. 500/- per sq. meter, along with other statutory benefits in accordance with the law. The applicants further claimed 20% compensation towards severance damages on the ground that the land was fragmented into smaller parcels. The applicants also prayed that the compensation should not be computed solely on the basis of registered sale deeds, which reflect undervalued transactions, but should be determined taking into account factors such as comparable land cases and soil fertility.

16.1 It is argued and submitted that, the opposite parties in the present matter have filed a joint written statement at Exh. 15. In their written statement, the opposite parties contend that the reference application is barred by limitation and ought to be dismissed on that ground alone. They further submit that the State Government determined the compensation strictly in accordance with the prescribed rules, and therefore, the reference application deserves to be rejected. The opposite parties deny the factual assertion that the applicants were cultivating the land and earning Rs. 2,00,000/- per Bigha. The opposite parties categorically deny all assertions regarding future development potential and the alleged fragmentation of the land. Furthermore, the opposite parties state in their reply that since the compensation for the acquired land was assessed as per government norms, the applicants are not entitled to enhanced compensation, and consequently pray for the dismissal of the reference application.

16.2 In the present case, witness Dakubhai Raghavbhai Kothari was examined on behalf of the applicants at Exh. 33. In his deposition, he stated that they used to grow three seasonal crops on the land. They cultivated cash crops such as groundnut, cotton, cumin, garlic, sugarcane, wheat, sorghum (*jowar*), millet (*bajra*), and vegetables, realizing a gross yield/income of Rs. 2,00,000/- per Bigha per annum. As they carried out the agricultural labor personally, after deducting one-fourth towards agricultural expenses, they earned a net profit of Rs. 2,00,000/- per Bigha per annum. The distance from their village to the Taluka Headquarters at Amreli is 15.00 km; hence, the village possesses significant development potential. The witness further deposed that the village has doorstep facilities for electricity, water, telephone, and paved roads. The village is well-developed, equipped with a primary school, hospital, cooperative society, dairy cooperative society, bank, etc., and being in close proximity to the Taluka headquarters, it holds bright prospects for future development. In his deposition, he stated that they grow three seasonal crops on the land. Taking valuable crops like groundnut, cotton, cumin, garlic, sugarcane, wheat, sorghum, pearl millet, and vegetables, along with fodder yielding Rs. 5,000/- to Rs.6,000/- per Bigha, the three-crop season generated a gross income of Rs. 2,00,000/- per Bigha per annum. After deducting one-fourth towards agricultural operational expenses as they engaged in self-labor, the net profit derived was Rs. 2,00,000/- per bigha per annum. Thus, it appears that the applicant's land was fertile and irrigated, yielding two to three crops per year with a total net profit of Rs. 2,00,000/-.

16.3 It is further submitted that, if the market value of agricultural land is to be determined based on its fertility and yield, as per various precedents of the Hon’ble High Court and Hon’ble Supreme Court, the net annual yield/income of the land is multiplied by a multiplier of 10 and divided by 2 to arrive at its market value. Accordingly, taking the applicant’s net income at Rs. 2,00,000/- and applying the multiplier of 10, the figure amounts to Rs. 20,00,000/-, which when divided by 2 yields a total sum of Rs. 10,00,000/-. Treating this as the market value for one Bigha of land, where one Bigha equals 1,600 sq. meters, dividing Rs.10,00,000/- by 1,600 sq. meters yields Rs. 625.00 per sq. meter. Calculated accordingly, the market value of the applicant’s agricultural land works out to Rs. 625.00 per sq. meter, along with other statutory benefits admissible under the law.

16.4 The lands of farmers belonging to Village Rikadiya were also acquired by the very same Acquiring Body, for the identical project, under the same Section 4 Notification, vide Award declared in L.A.Q. Case No. 13(1)/2012 for the construction of the Rikadiya - Chital - Jaswantgadh Road. In the compensation references arising therefrom, registered as

L.A.R. Nos. 31/13, 32/13, 33/13, 37/13, 39/13 and 40/13, this Court passed a judgment on 11/09/2024 awarding compensation at the rate of Rs. 624.00 per sq. meter along with other statutory benefits, a certified copy of which has been produced on record in these proceedings. The Section 4 Notification in respect of the lands covered under the said judgment and the lands in the present case was published on the same date. Both parcels of land are adjoining each other. Therefore, the aforementioned judgment concerning Village Rikadiya serves as a binding precedent and applies directly to the present case. As per settled law and judgments of the Hon'ble High Court and Hon'ble Supreme Court, previous judgments and values of adjoining/adjacent lands can be validly relied upon to determine market value. Consequently, the applicants are entitled to compensation at the rate of Rs. 624.00 per sq. meter along with statutory benefits. The acquired land and all lands covered under the submitted judgment possess uniform fertility, equal soil quality, yield similar crops, and belong to the same category of acquired lands. The lands in the decided judgment and the subject acquired lands are situated adjacent to one another in close physical proximity, sharing identical topography, site conditions, fertility, and crop-yielding potential.

16.5 It is further argued and submitted that, in the judgment ***General Manager, O.N.G.C. V/s. Chaturji Lalji,*** reported in **1998 (1) GLR 130**, it has been held that to determine the fair market value of the acquired land, reliance can be placed on the lands of an adjoining village abutting the boundary of the previously acquired lands. Therefore, in the present case, the previous judgment produced on record to determine the fair market value of the land shall be considered as the best piece of evidence. In the judgment of ***Special Land Acquisition Officer V/s. Raval Jayantibhai Mafatlal alias Mafatlal Dangar,*** reported in **2010 (1) GLR 289**, it has been observed that for assessing the market value of the acquired land, the basis of the boundary/limits of an adjoining village abutting the previously acquired lands can be relied upon. As per paragraph 15 of the Hon'ble Supreme Court judgment of ***General Manager, ONGC V/s. Rameshbhai Jivanbhai Patel,*** reported in **(2008) 14 SCC 745**, cumulative price escalation (annual increase) ought to be granted. The applicants of Village Jaswantgadh had claimed Rs. 500.00 per sq. meter. However, as propounded in the Hon'ble Supreme Court judgment in ***Narendra and Others V/s. State of Uttar Pradesh,*** reported in **2017 (3) GLH 311**, if the applicant is legally entitled to compensation higher than the amount claimed, such higher compensation ought to be awarded. Thus, taking into consideration the evidence adduced by the applicant, as per **Exh. 32**, the applicant is entitled to an enhanced rate/escalation of Rs. 624.00 per sq. meter. As per the Hon'ble Supreme Court judgment in ***Mehrawal Khewaji Trust,*** reported in **2012 (2) GLH 318**, since the Land Acquisition Act is a beneficial legislation, the maximum permissible benefits ought to be extended to the applicant.

Taking into consideration the highest exemplar produced on record, the development of the applicants' village, and the surrounding evidence, the applicants are entitled to the maximum market value of the land at the rate of Rs. 624.00 per sq. meter as per the evidence produced at **Exh. 32**, along with other statutory benefits in accordance with the law.

16.6 In the cross-examination of the applicant, he admits that the Government has acquired the land lawfully by issuing the requisite notifications and notices. The applicant denies the suggestion that their land is dependent on rain-fed agriculture and that the village lacks paved roads or other amenities. The applicant has also admitted that no documentary evidence has been produced to prove the exact quantum of agricultural income. Furthermore, the applicant has admitted that their village is situated at a distance of 16 km from the Taluka headquarters, Amreli. Thus, no significant factual contradiction has emerged in the cross-examination of the said applicant.

16.7 The Opposite Parties in this matter have not adduced any other oral or documentary evidence to substantiate their case. Consequently, no facts adverse to the applicant's reference application have been brought on record.

16.8 Regarding the comparability of distance between two villages, as propounded in paragraphs 5 and 6 of the Hon'ble Supreme Court judgment in ***State of Madras V/s. A. M. Nanjan,*** reported in **1976 (1) SCC 976**, lands situated within a radius of up to 15 km may share similar market values. Moreover, if two villages are situated at an equal distance from the Taluka headquarters, their land prices are comparable. Therefore, adjoining areas can validly be compared for the purpose of determining compensation. It is now a well-settled proposition of law, in view of the legal principles laid down in previous judgments of competent courts, the Hon'ble High Court, and the Hon'ble Supreme Court, that the Award passed by the Land Acquisition Officer is merely an offer/opinion, which must be produced and proved. Moreover, the Reference Court cannot assess the market value at a rate lower than what was awarded by the Land Acquisition Officer. Any minor technical errors in the pleadings should be viewed liberally and ought not to be construed strictly against the claimant. As per the Hon'ble Supreme Court judgment in ***Mehrawal Khewaji Trust,*** reported in **2012 (2) GLH 318**, this being a beneficial legislation, the maximum permissible benefit ought to be granted to the applicant. Furthermore, as stated in ***2010 (3) GLH 447***, among the various judgments cited by the applicant, when the Collector values and allots any land to a citizen or an institution, the Reference Court can legitimately take into consideration the land valuation carried out by the District Valuation Committee to determine the market value of the subject land. Even though the Land Acquisition Officer has assessed the value of the said land, under no circumstances can compensation be paid at a rate lower than the compensation amount already awarded by the Land Acquisition Officer.

16.9 The Opposite Parties in the present proceedings have not adduced any other oral or documentary evidence to substantiate their case. No facts contradicting the applicant's reference application have emerged. Consequently, nothing has been proved contrary to the application and the evidence adduced by the applicant, leaving no ground to disbelieve or discard the applicant’s application and evidence. Since this is beneficial legislation, maximum permissible compensation for the acquired land ought to be awarded as provided under the law. In support of the applicant's reference application and evidence, the following legal principles stand well-settled as per various decisions of the Hon’ble Supreme Court and the Hon’ble High Court:

1. ***Chimanlal Hargovinddas V/s. Special Land Acquisition Officer, Poona,*** reported in **1988 (0) GLAEL-SC 5162**: A reference is not an appeal; hence, the evidence relied upon by the Land Acquisition Officer in determining the market value under Section 11 cannot be automatically taken into account. The Award is merely an offer/opinion of the officer, which must be produced and proved before the Reference Court. Furthermore, the market value cannot be assessed at an amount lower than the sum awarded in the Section 11 Award.

2. ***Bipin Shantilal V/s. State of Gujarat,*** reported in **2001 (2) GLH 545**: Documentary evidence produced on record should be assigned tentative exhibit numbers, and its legal admissibility/admissibility in evidence should be determined at the final stage of judgment so that it forms part of the record during appeal proceedings.

3. ***Marwari Kumhar V/s. Bhagwanpuri Guruganeshpuri,*** reported in **2000 (0) GLAEL-SC 17364**: When original public documents are unavailable or destroyed, secondary/ordinary copies may be considered as evidence, assigned exhibit numbers, and admitted into evidence.

4. ***State of Gujarat V/s. Rama Rana and Others,*** reported in **(1997) 2 SCC 693**: To arrive at the market value based on

agricultural yield/income, the net income/yield is to be multiplied by a multiplier of 10 and divided by 2.

5. ***Mehrawal Khewaji Trust V/s. State of Punjab,*** reported in **2012 (2) GLH 318 (SC)**: Since the Land Acquisition Act is beneficial legislation, maximum permissible benefits ought to be extended to the claimants/applicants.

16.10 As propounded by the Hon'ble Supreme Court in ***Sunder V/s. Union of India,*** reported in **AIR 2001 SC 3516**, the applicants, are entitled to statutory interest on the aggregate/consolidated amount, i.e., on the principal land value, additional compensation/escalation, and solatium. Therefore, the applicants claim interest on the total aggregate amount payable for the land. It is further submitted that in respect of acquired land, the applicants are entitled to 30% solatium as per law, additional compensation at the rate of 12% per annum from the date of Section 4 Notification until the date of the Award, and statutory interest on this entire cumulative amount at the rate of 9% per annum for the first year from the date of taking possession, and thereafter at the rate of 15% per annum for every subsequent year until the realization of the full payment. As established in ***Sunder V/s. Union of India,*** reported in **AIR 2001 SC 3516**, the applicants are entitled to receive interest on the aggregate amount comprising the market value of the land, additional compensation, and solatium. Hence, applicants submit their claim for interest on the entire aggregate sum of compensation.

17. Ld. DGP for the opponents has submitted in his oral argument that the lands acquired under the reference cases were of Rikadiya village. The said lands have been acquired for **Rikadiya-Chital-Jashwantgadh Road** project. The award has been passed in land acquisition number JSP/Case-13(1)/12. The lands and structure have been acquired under the present award. The land acquisition officer has awarded compensation to all the claimants for their lands as well as construction work. Under the circumstances the claimants have got adequate compensation,under such circumstances he has requested to dismiss the present reference cases of the claimants. Moreover, whatever judgments produced by the claimants are of different villages. Therefore, the claimants can not be relied upon on the said judgments of different nature land. Therefore, as the claimants are failed to prove their claim, present reference is required to be rejected.

18. I have heard the Ld. Advocate Mr. P. J. Shukla for the opponent No. 3.

19. After remanding back of the case from Hon'ble Gujarat High Court, claimant - Shri Dakubhai Raghavbhai Kothari (LRC No. 38/13) has produced his affidavit in form of examination-in-chief at Exh. 33, where after reproducing the facts of applications, he has also stated other facts in which he has mainly deposed on oath that, he is the applicant in Land Reference Case (L.A.R.) No. 38/2013. Land measuring 674 sq. meters out of Revenue Survey No. 83 paiki, situated within the sim/revenue limits of village Rikadiya, Taluka: Amreli, District: Amreli, belonging to him, was acquired for the public purpose of constructing the Rikadiya - Chital - Jaswantgadh Road vide Land

Acquisition (L.A.Q.) Case No. 13(1)/2012. The lands of other co-farmers were also acquired for the very same public purpose under the same L.A.Q. Case. He has personally inspected the lands of all these applicants. All these lands are situated adjacent to his land, being contiguous, irrigated, of identical fertility, level, possessing uniform soil quality, and belonging to the same category. He is tendering this deposition on behalf of all the applicants.

19.1 He has further deposed that, they were raising three seasonal crops on their acquired lands. In the Kharif season, they used to cultivate crops such as groundnut, sesame, pearl millet (*bajra*), castor, pigeon pea (*tuver*), sugarcane, cumin, and cotton. Thereafter, in the Ravi season, they cultivated wheat, mustard, sugarcane, onion, garlic, maize, and pulses. He used to cultivate groundnut during the Kharif season, yielding approximately 50 to 60 *man* (20 Kg.) per *bigha* per annum. When groundnut was not cultivated, cash crops like cumin and cotton were grown. The yield of cumin was 20 *man* per *bigha* per annum, while cotton produced around 45 *man* per *bigha* per annum. Besides these, pearl millet was cultivated, yielding 60 *man* per *bigha* per annum along with fodder worth approximately Rs. 5,000/- to Rs. 6,000/- per *bigha* per annum. In the Ravi season, they grows wheat, mustard, pulses, and pearl millet, with wheat producing around 70 to 80 *man* per *bigha* per annum. Summer crops included groundnut, wheat, maize, and green fodder (*rajko*), generating an income of Rs. 30,000/- to Rs. 40,000/- in a single season. Vegetable crops such as onion, potato, cluster beans (*guwar*), and green chilies were also grown. The agricultural operational expenses incurred by the applicants amounted to one-fourth of the gross produce. After deducting all agricultural expenses, the net annual income derived was Rs. 2,00,000/-.

19.2 It is further deposed that, the agricultural produce raised by them was sold at the Amreli market. To achieve higher yield, they used chemical fertilizers, pesticides, and hybrid seeds. Since they conducted farming using modern techniques and manual labor carried out personally, the operational expenditure remained minimal. They also sought guidance from the *Gram Sevak*. Furthermore, they utilized their own harvested seeds as well as procured hybrid seeds. Their acquired land possessed irrigation facilities, and they irrigated their land through borewells and open wells. All lands in their village possess uniform fertility, are of the same type, and are situated contiguously, yielding identical crops.

19.3 It is further deposed that, their village has a population of 4,000 inhabitants. A dairy cooperative society as well as a primary school and high school are functioning in their village. The village is equipped with amenities such as electricity, water supply, telephone, and tar/paved roads. Roads such as the Rikadiya - Chital - Jaswantgadh Road, Amreli - Jaswantgadh - Chital Road, and Chital - Randhiya Road pass through their village. Additionally, three to four metalled/paved roads connecting neighboring villages pass nearby. State Transport (S.T.) bus services are available for commuting, with around 10 to 15 bus schedules operating through their village. Their village is situated at a distance of 15 km from the Taluka and District Headquarters, Amreli. The acquired lands of their village possess non-agricultural potentiality. In this manner, their village is well-developed, having witnessed large-scale infrastructural development. Nationalized banks and industrial factories are located in close proximity to the acquired land. Rapid industrial development has taken place in their village over many years, owing to which land prices have remained high right from the inception. Moreover, the Collector has sanctioned numerous Non-Agricultural (N.A.) layouts in the vicinity of their land. The surrounding areas of thier village are also developing rapidly. Their village is situated within a high-growth region, experiencing progressive development year after year.

19.4 It is further deposed on oath that, the lands of farmers of their village Rikadiya, Taluka: Amreli, were also acquired for the very same purpose of constructing the Rikadiya - Chital - Jaswantgadh Road under the same Section 4 Notification date and the same L.A.Q. Case. The Section 4 Notification was published on 29/09/2012. As the Land Acquisition Officer assessed an inadequate rate, Land Reference Cases registered as L.A.R. Nos. 31/13, 32/13, 33/13, 37/13, 39/13 & 40/13 were instituted before this Court. Upon adjudication of those cases, this Court, vide judgment dated 11/09/2024, fixed the market value of the land at Rs. 624.00 per sq. meter. A copy of the said judgment has been produced on record and exhibited. Lastly it is deposed that their acquired land and all the lands covered under the produced judgment possess identical fertility, equal soil productivity, yield similar crops, and belong to the same category of lands. He has personally seen all these lands. All lands in his village are uniform in terms of fertility and crop yield. Considering the soil fertility, irrigation facilities, previous awards/judgments of neighboring villages, and the developmental potential of the village, statutory compensation as claimed, along with 30% solatium.

19.5 During his cross-examination conducted on behalf of Opponent Nos. 1 and 2 by learned DGP Mr. J. B. Rajgor, he has admitted that, a notification under Section 4 was issued at the time of acquiring 674 sq. meters of land out of Survey No. 83 Paiki which is his suit land. He also admits that after this notification, they were given an opportunity to file objections regarding this land. He further admits that he has not produced any marketing yard bills in this case regarding the yield/crop taken from his suit land for the last three years before the Land Acquisition Officer, nor has he produced the accounts in this case showing a net annual income of rupees Two Lakhs. He admits that the Land Acquisition Officer, through his committee, fixed the value of the land taking into consideration the prices of surrounding lands over the last three years and Land Acquisition Officer fixed the value of the suit land at Rs. 47/- per square meter for irrigated land, Rs. 42/- for non-irrigated land, and Rs. 160/- for *Gamtal* land. He has denied that his present claim at the rate of Rs. 500/- per square meter is excessive, and that the suit land was acquired for a rural panchayat road by R & B Department. He further denies that he has filed a false affidavit to claim a higher amount for the suit land and that he is giving false testimony in support thereof. The judgments of the remanded cases filed by him in this proceeding under L.R.C. No. 4/2013 along with Group Case Nos. 5/13 to 8/13, 11/13, 13/13, 20/13, and 23/13 pertain to the road of Machiyala village on the Amreli-Rajkot State Highway, whereas his present land has been acquired for the Rikadiya-Chital-Jashvantgadh Panchayat Road.

19.6 During the cross-examination conducted on behalf of Opponent No. 3 by the learned advocate Mr. P. J. Shukla, the claimant reiterated the identical deposition as rendered during the cross-examination conducted by the learned DGP. Additionally, the claimant has admitted that, this land was acquired for a road and a road is straight. When the land was acquired for this road, 1,733 square meters of his land were acquired. A straight strip of land was taken from his property for the road. Amreli district is a backward district in the State of Gujarat. There is no major industrial company in Amreli Taluka. He has further stated that Rikadiya village is seven kilometers from his village, and Amreli is fourteen kilometers away. He admits that he go from Amreli to Chital and from there to Rikadiya and there is no major industry between Amreli and his village. He further admits that he stated in his affidavit-in-chief that he had a yield of Rs. Three Lakhs per Vigha, but he has not produced any bills in this case to support that. He admits that he has not produced any documentary evidence of valuation in this case either from his village or from Chital village showing that the market value of his land is Rs. 500/- per square meter. He further admits that groundnut, sesame, pearl millet, castor, sugarcane, pigeon pea, cumin, and cotton cannot all be grown simultaneously, as mentioned in his affidavit-in-chief. He admits that sugarcane grows on his land, but he has not produced any bills in this case for the same. There is no major industry in Amreli city. Chital is 16 kilometers away from Amreli. He denied that the present application is false and filed merely to obtain higher compensation.

20. Further, the documentary evidences produced by the claimants clear that Exh. 4 is the Award u/S. 11 of the Act, where price of Rs. 160 per Sqr.Mtr. for Gamtal land Rs. 47 per Sqr.Mtr. for Bagayat land & Rs. 42 per Sqr.Mtr. for Jirayat land are fixed by the Land Acquisition Officer. The facts regarding the lands and its surrounding area are also mentioned in this Award and calculation regarding the fixed price was also made in it. From the facts mentioned in the said Award, it is very clear that most of the relevant factors are taken into consideration while passing the said Award.

21. On the other hand, no oral evidence or witness was adduced on behalf of the opponents.

22. **Before, proceedings further, to examine the merits of**

oral evidences from both the parties, it requires to be made clear that, how ordinarily valuation of the property acquired can be made. The cardinal principal as envisaged in Section-23 of Land Acquisition Act which speaks that, court should bear in mind what the willing vendor would expect and what willing purchaser would like to pay having regard to condition, distance, situation, area, size, facilities, future development, possibility of multipurpose use etc. To assess the adequate compensation, market value of the property is to be ascertain and for that **sale instances of surrounding properties** should be considered. If this best method is not possible to be resorted to fix the valuation which willing purchaser would pay to willing seller having due regards to then condition, potential, probabilities, when sold out on his most advantages, the next method is in alternative will be to capitalized on the experts evidence. The method of valuation by ascertaining annual income can not be said to be most exact or adequate but if no way is out the same should be resorted the person loosing the property against his desire should not feel that, he get parts of rupee and no rupee in full.

23. Now, considering entire evidence on record and arguments advanced by advocates of both parties, it seems that the claimants have based their claim on sale instance of near by land of the acquired lands, prior to the publication of the Notification under section-4 of the Act and yields taken by them from the acquired lands.

24. The Hon'ble High Court of Gujarat in the matter between

Special Land Acquisition officer Versus Shantibhai Jivabhai Patel reported in 1993(2) GLR 2890 has observed that**,** the market value of the land under acquisition has to be determined as on the crucial date of publication of the notification U/s 4 of the Land Acquisition Act. (Dates of Notification U/s 6 and 9 are irrelevant). The Hon'ble Supreme Court in the matter between **State of Madras V/s A.M.Manjan and others, reported in 1976 SCC 473 has held that,** award passed by the competent court if comparable would be relevant for fixation of the compensation and even if that award relates to the land in near by area or town can be considered comparable having regards to reasonable proximity. The Hon'ble High Court of Gujarat in the matter between **Shivalal Keshavala V/s Additional Special Land Acquisition officer, reported in 9 GLR 752** had held that**,** while determining the amount of compensation similar award passed by the court or land acquisition officer can be taken in to consideration. In the matter between **Thakarsibhai Devjibhai and ors V/s Executive Engineer, Gujarat reported in AIR 2001 SC 2424**, Hon'ble Supreme Court of India has observed that, in the absence of difference of quality and potentiality of the land, distance does not hold much more importance between 5 K.M of two land. In the matter between **Land Acquisition Officer, GIDC, Ahmedabad V/s Jamkuben Kalidas Sodha, reported in 1992(1) GLH Page, 417,** Hon'ble High Court of Gujarat has observed that**,** ***main anxiety of the authority or the courts should be to ascertain and find out***

fair and just amount of value of the land under acquisition. *The mandate of* ***Section-23*** *of the Land Acquisition Act is to be that,* ***the affected person in an acquisition proceedings is place in the same position, as far as possible, as he would have been, had their no acquisition***. *In the instance case, the trial court has adopted the method for determination the value of land on the basis of judgment and award produced by the claimant. It is held that, the approach of trial court in adopting and accepting the method relying on the previous judgments is quite correct*.

24.1 **2009 (2) G.L.R. 1263 in the case of Special Land Acquisition Officer V/S Shankarbhai Gordhanbhai**

> *wherein the Hon'ble High Court of Gujarat has confirmed the award of the Reference Court wherein award was passed on the basis of comparison of another award passed in case of land situated in nearby village at some distance. The two lands having similar fertility but different locations.*

24.2 **2010(5) G.L.R. 4499 in the case of State of Gujarat V/S Khimjibhai Gopalbhai**

> *wherein the award of the Reference Court was confirmed by the Hon'ble High Court of Gujarat and held that the determination of market price by Reference Court considering location, utility and potentiality for development and on basis of 'comparable sale instances' of adjoining land is proper and correct.*

24.3 **2012 (3) G.L.H. 319 in the case of Bhikhabhai S/o. Decd. Nathabhai C. Valand V/S Special Land Acquisition Officer and others**

> *wherein it has been held by the Hon'ble High Court of Gujarat that on the question of assessment of market value of the land under acquisition, best comparable sale instance is always to be relied on. However, if there is already judgment of the reference Court in respect of the land already acquired,*

of the same area or same village, due weightage is always required to be given on such judgment of the reference Court to determine the market value. However, while determining the market value on the basis of such judgment of reference Court or even on the basis of the sale instances, difference between the dates of notification for the land under acquisition and for the lands already acquired is to be worked out for giving either increase or decrease in the value.

24.4 **<u>2015 (3) G.L.R. 2015 in the case of Vijay Vallabhbhai Patel & another V/S State of Gujarat</u>**

head note (B) reads as under : "Constitution of India, 1950 – Art. 14 – Constructing of retaining wall resulting in deprivation of use of land of petitioners – Considering the lands of similarly situated persons were acquired – Held, petitioners entitled to same treatment". It has been further held that : "The subject land is agricultural land. The petitioners have a right to cultivate or sell it, as it is old tenure land. The land is in the Recreation Zone of the Town Planning Scheme and the petitioners have a right to do any business or occupation on the said land under Art. 19(1)(g) of the Constitution of India. The right has been completely snatched away by the action of the respondents.

24.5 **<u>AIR 2012 Supreme Court 2712 in the case of Mehrawal Khewaji Trust (Regd.) Faridkot & others V/S State of Punjab and others</u>**

wherein it has been held as under :"When there are several exemplars with reference to similar lands,it is the general rule that the highest of exemplars, if it is satisfied, that it is a bond fide transaction has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered 40 into between a willing purchaser and a willing seller near about the time of acquisition unless there are strong circumstances justifying a different course. It is not desirable to take any average of various sale deeds placed before the authority/Court for fixing fair compensation."

24.6 **<u>AIR 2012 Supreme Court 2709 in the case of Sabhia Mohammed Yusuf Abdul Hamid Mulla (D) by L.Rs. and others V/S Special Land Acquisition Officer and others</u>**

wherein the Hon'ble Supreme Court has held as under : "While fixing market value of the acquired land, the Land Acquisition Collector is required to keep in mind the following factors : (i) Existing geographical situation of the land. (ii)

Existing use of the land.(iii) Already available advantages, like proximity to National or State High Way or road and/or developed area. (iv) Market value of other land situated in the same locality/village/area adjacent or very near acquired land".

24.7 **2012 (2) G.L.H. (U.J.) 2 in the case of Dhankrashna D. Shah V/S Special Land Acquisition officer wherein it has been held by the Hon'ble High Court of Gujarat as under:**

"Right to property or land may not be a fundamental right, but it is an important right for which a person may be compensated though the lands have been acquired for public purpose. It would be in fitness of things if just compensation is awarded for any such acquisition. On facts, through the land may not have the potential for building, however, admittedly there is sufficient potentiality for development in the near vicinity. It ha also been found that in subsequent acquisition of lands, the amount awarded is higher in respect of another reference case. Considering development like housing society, jain boarding, high school and other educational institutions and further the distance of railway station from acquired land, the compensation enhanced to Rs.700/- per Are from Rs.275/- per Are granted by the Reference Court along with proportionate increase in the corresponding amount of solatium".

24.8 **2015 (2) G.L.H. 44 (SC) in the case of Gujarat Mineral Dev. Corporation V/S Ram Sang Bhailalbhai and another head note of which reads as under** :

"Land Laws – Land Acquisition – Land Acquisition Act, 1894 – Section 23 – Determination of compensation – Reference Court fixed the compensation on the basis of two villages are contiguous to each other having common boundaries – No evidence to show that any injustice or illogical conclusion was arrived at in following compensation at the rate applicable to adjacent village – High Court dismissed the Appeal – Held that ether is no evidence to show that any injustice or any illogical conclusion was arrived at by the Reference Court in following the compensation at the rate applicable to adjacent village".

24.9 **LAWS (SC) 1976 2 31 State of Madras V/S A.M. Nanjan**

wherein the Hon'ble Supreme Court has held as under : 42 "With regard to the aspect of compensation, Court are unable to hold that the court based the compensation on mere speculation or conjecture. If the land involved in the award is comparable land in the reasonable proximity of the acquired land, the rates founds in the said documents would be a *reliable material to afford a basis to work upon for determination of the compensation later date".*

24.10 **2001 (2) G.L.H. (U.J.) 10 in the case of Ramanbhai Prabhudas V/s Special Land Acquisition Officer.**

It has been held by the Hon'ble High Court of Gujarat that it is well settled and accepted principle that lands which are otherwise comparable and where market value has been determined by a prior award, the same can serve as good evidence for determination of market value in subsequent acquisition.

24.11 **2011(1) G.L.R. 415 in the case of Special Land Acquisition Officer, Narmada Yojna, Nadiad V/S Amirmiya Hisammiya (Since Decd.) Through his heirs & Lr.S. Noorjaha Amirali Saiyad and others**

It has been held by the Hon'ble High Court of Gujarat that Relying on consent award for other lands in the same village in the year 1984, Reference Court awarded compensation by deducting 10% on the ground that previous award was based on consent, such an approach was not justified in the absence of material to do so. Reference Court had also failed to notice that higher amount was required to be awarded since there was time gap of five years between consent award and acquisition in 1989. Other infirmities with regard to interest etc. were also noticed. Award suitably modified.

25. At this juncture, it is imperative to advert to certain material facts elicited during the cross-examination of this witness conducted by the learned District Government Pleader (D.G.P.), Amreli, on behalf of the State Government, wherein the witness has deposed and admitted that, a Section 4 notification was issued for his suit land (Survey No. 83 Paiki ad-measuring 674 sq. meters), following which an opportunity for objections was given. He acknowledged that he failed to produce marketing yard bills or accounts before the Land Acquisition Officer to prove a net annual income of Rs. 2 Lakhs or the crop yield for the prior three years. He admitted that the Land Acquisition Officer assessed the land value based on surrounding market prices at Rs. 47/-, Rs. 42/-, and Rs. 160/- per sq. meter for irrigated, non-irrigated, and Gamtal land, respectively. The witness denied allegations of perjury or of claiming an inflated rate of Rs. 500/- per sq. meter. However, he admitted that the precedents relied upon by him (L.R.C. No. 4/2013 and group cases) relate to the Machiyala village road on the Amreli-Rajkot State Highway, whereas the subject land was acquired for the Rikadiya-Chital-Jashvantgadh Panchayat Road.

26. Therefore, considering the above all discussion and the evidences submitted by both the sides, it appears that the claimants have relied upon the award passed in LRC Case No. 31/13 (Main), consolidate with LRC No. 32/13, 33/13, 37/13, 39/13 & 40/13 which are for the lands of same village acquired for the same project in same LAQ in which amount of Rs. 624 per Sqr.Mtr. was granted for all the lands at the end of trial. It reveals from the record that, the said order is either not challenged by the State filing appeal before Higher Forums or not produced before this Court. Consequently, the order passed by the Court has attained finality. Further, after remand back the matter, the opponents have not produced any further oral or cogent documentary evidence. Thus, the contentions raised by the opponents remain unproven, as they have failed to adduce any cogent oral or documentary evidence in support thereof.

So far as calculation of the amount is concerned, **there are several judgments of the Hon'ble High Court**

of Gujarat and the Hon'ble Apex Court, where the formula for increase in price between 10% to 15% are decided and looking to the present case, 10% yearly increase is required to be taken into consideration. And as per that, <u>when Rs. 240/- is decided in reference of the case where the notification u/S. 4 was of date 08/02/1996 (in judgment cited above), then, in reference of present case, the notification u/S. 4 is published on 18/10/2012 and hence, there is gap of nearly 16 years. Hence, Rs. 24/- (10% of Rs. 240/-) x 16 years = Rs. 384/- can be determined as increase in price on the date of notification u/S. 4 in the present case and it is required to add Rs. 240/- in the said increase price as original amount of compensation, hence, Rs.240/- (price determined by the above mentioned judgment) + Rs. 384/- (increase in price during 16 years i.e. 24 x 16) = Rs. 624/- deserves to be determined as the compensation price per Sqr.Mtr. on the date of Award i.e. on 02/09/2013. As per settled principle of law, this Court has power to award just and fair compensation and therefore, Rs. 624/- per Sqr.Mtr. is granted as compensation,</u> hence the same is required to be awarded to the claimants **as compensation amount**. Therefore, as the claimants are not awarded with fair amount for their acquired land, they are entitled for additional consideration. More particularly when, the opponents are not succeeded to prove that the awarded amount is just and fair. Therefore, considering the above all discussion, the reply for the **issue**

No. 1 is given in *<u>Affirmative,</u>* reply for the **issue No. 2 is given accordingly.** So far as issue of limitation and jurisdiction is concerned, no evidence is led for this issue by any party. Looking to the present record and evidence on record, the award under L.A.Q. Case No. 13(1)/12 is published on 02/09/2013 and the notice u/S. 12(2) was also issued to claimants. The present claimants of this group have filed the reference application on 29/11/2013 i.e. within the period of six months from the award.

The provisions of the limitation period for making reference is provided u/S. 18(2)(a)(b) which reads as under :

> "Section 18 :- Reference to Court. —(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.
>
> (2) The application shall state the grounds on which objection to the award is taken:
>
> Provided that every such application shall be made,—
>
> (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
>
> (b) in other cases, within six weeks of the receipt of

the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire".

Now in the present reference case the award is declared on 02/09/2013 and the reference is filed on 29/11/2013 i.e. within the six months from the publication of award. It is clear from the record that the claimants have filed the present reference within time limits prescribed under Land Acquisition Act.

Further, the lands acquired under the present award are situated with the revenue jurisdiction of Amreli and therefore, This Court has jurisdiction to entertain with the present cases. Therefore, the reply for the **issue No. 3 is given in *Negative*.**

27. It is to be noted that, **In case between Bhagsing V/s Union Territory, reported in AIR 1985 SC 1567, the Hon'ble Apex Court** has held that, "the emended provisions of Section - 23(1-A) and Section- 23(2) are applicable to all proceedings relating compensation pending on the date of commencement of the amended act or filed subsequent thereto whether before collector or before the reference court or the Hon'ble High court or even before the Hon'ble Supreme court." **Further, in case between Govindbhai Daljibhai V/s Special Land Acquisition Officer and others, reported in AIR 1985 Gujarat 200, the Hon'ble Gujarat High court** has held that**,** claimants are entitled to solatium under section- 23(2) of the Act at the rate of 30%

on the additional amount awarded by the court. In view of these decisions, I am of the opinion that, claimants are entitled to receive solatium at the rate of 30% on the additional amount awarded. Moreover, considering the ratios laid down in the case between **<u>Sunder V/s. Union of India</u>** reported in **2001 AIR (S.C.) 3516**, the claimants are entitled to have interest over the total awarded amount. Therefore, The claimants are also entitled to have 30% soletium amount and interest over the total amount under section 23(1)(A), 23(2) and section-28 of the Act.

28. In view of the settled law, this court is of the opinion that, in the present case, claimants are entitled to get interest from the **date of award i.e, date:02/09/2013** and thus, in case on hand, I am of the opinion that, the claimants are also entitled to get interest at the rate of 9% per annum for the period of one year from **the date of award i.e, date 02/09/2013** and thereafter, at the rate of **15% per annum.** As per direction of the Hon'ble Gujarat High Court in R/Civil Application (For Condonation of Delay) No. 491 of 2025 in R/First Appeal No. 3370/2025 the applicants shall not be entitled to interest on any enhanced compensation from the date of framing of issues till filing of appeals i.e. 28/10/2024 and 30/10/2024 respectively, the day on which the First Appeals were filed with an application for condonation of delay. While in R/First Appeal No. 1331 of 2025 to 1336 of 2025, the Hon'ble Gujarat High Court has directed that the claimants shall not be entitled for any interest form the date of the impugned judgment till the date of passing of this order.

29. Further, claimants are also entitled to get additional compensation U/s 23 (1-A) of the Act at the rate of 12% per annum of the market value in addition to enhanced rate of interest and soletium from the period commencing from the date of the notification U/s 4(1) of the Act **dt:18/10/2012** till the **date of award i.e. date:02/09/2013.**

30. Therefore, considering the above all discussion present reference application requires to be allowed. Final order is passed accordingly.

-:: O R D E R ::-

(1) Present Land Acquisition References **Case No. 35/2013 (Consolidated with LAR Nos. 34/13, 36/13, 38/13 & 41/13) are hereby allowed.**

(2) **It is hereby ordered that, opponents do pay** award at the rate of **Rs. 624/- per Sq. mtr. (which includes amount awarded by Special Land Acquisition Officer)** as per the Section-11 of the Land Acquisition Act of acquired lands as per type of Land. The Opponents are directed to pay the said amount after deduction the compensation amount awarded by the Collector & Land Acquisition Officer to the claimants.

(3) **Further, the claimants are entitled to get** interest at the rate of 9% per annum for the period of one year from **the date of award i.e, date 02/09/2013** and thereafter, at the rate of 15% per annum.

(4) **Further, the claimants are entitled to get** amount of solatium at the rate of 30% on the market value. **The**

claimants are also entitled to get increase upon the market price at the rate of 12% per annum from the date of the publication of the notification U/s 4(1) of the Land Acquisition **to the date of award i.e, date:02/09/2013.**

(5) Further, it is ordered that, rent of land if any paid for the period after date of award may be adjusted/deducted from the above payments.

(6) As per direction of the Hon'ble Gujarat High Court in R/Civil Application (For Condonation of Delay) No. 491 of 2025 in R/First Appeal No. 3370/2025 the applicants shall not be entitled to interest on any enhanced compensation from the date of framing of issues till filing of appeals i.e. 28/10/2024 and 30/10/2024 respectively, the day on which the First Appeals were filed with an application for condonation of delay. While in R/First Appeal No. 1331 of 2025 to 1336 of 2025, the Hon'ble Gujarat High Court has directed that the claimants shall not be entitled for any interest form the date of the impugned judgment till the date of passing of this order. Thus, the direction of Hon'ble Gujarat High Court be scrupulously followed while calculating interest. Therefore, the computation of interest shall be strictly governed by the guidelines and directions issued by the Hon'ble Gujarat High Court as above.

(7) Decree be drawn accordingly.

(8) By this common judgment other consolidated LAR Nos. **34/13, 36/13, 38/13 & 41/13** of this Group cases stands disposed off accordingly and Copy of this order be placed along with each consolidated case of this group.

(9) No order as to costs.

Signed and pronounced in the open Court on this **20th** day of **August, 2026.**

Dt. : 20/08/2026
Amreli.

(S. R. Multani)
Principal Senior Civil Judge,
Amreli.
GJ01143