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**IN THE COURT OF HON'BLE PRINCIPAL SENIOR CIVIL
JUDGE, AT – JAMBUSAR**

**REGULAR CIVIL SUIT No. 116 / 2014 (Old)
REGULAR CIVIL SUIT No. 184 / 2017 (New)**

Exhibit - 78

Plaintiff :

Govindbhai Dhanjibhai Prajapati

Age : Adult, Occupation : Farmer,
Resident of : - Nr. Jain Derasar, Vatama,
Ta.- Amod, Dist. - Bharuch

V/S

Defendants :

1. **Collector, Bharuch**
Resident of : - Collector Office
Ta. & Dist. - Bharuch
2. **Collector, Vadodara**
Resident of : - Collector Office
Ta. & Dist. - Vadodara
3. **Special Land Acquisition Officer**
Resident of : - Narmada Yojna, (4),
Narmada Vahivati Sankul, "B" Block,
4th Floor, Room No. 451 to 454,
Chhani Jakatnaka, Dist.: Vadodara

Subject :- Suit for declaration and mandatory injunction.

Appearance :-

Ld. Advocate for the plaintiff	Mr. A. S. Karmadwala
Ld. Advocate for the defendants	Mr. J. J. Parmar

- : J U D G M E N T : -

1. The plaintiff has stated that he is the independent owner and is in actual physical possession of the land situated at: Ranipura, Taluka: Amod, District: Bharuch, described as follows:

Survey No.	Area	Aakar
22-A/2	0-02-65	-
22-B/2	0-43-50	-
49	-	-
50	-	-

Further the plaintiff has submitted that the aforementioned land is the ancestral property of the plaintiff and the said land was subject to a "Consent Award" dated 30.08.2003, under the Land Acquisition Act but despite the Consent Award, there has been no physical handing over or taking over of possession and the legal procedure for transfer of possession was never initiated or completed consequently, the plaintiff has remained in continuous physical possession from the period prior to the acquisition proceedings until this day. The plaintiff further submitted that the purpose for which Defendant No. 3 acquired the land has not been implemented or executed even after 10 years and the Plaintiff's family is entirely dependent on this fertile land for their livelihood moreover, the compensation fixed during the Consent Award was significantly lower than the prevailing market rates at that time, causing grave financial loss to the Plaintiff and as the purpose of acquisition was never fulfilled, the Plaintiff's legal rights remain intact and any attempt to forcibly evict the Plaintiff would cause irreparable injury that cannot be compensated

in terms of money and there is a reasonable apprehension that the land might be transferred to a third party, which would permanently extinguish the Plaintiff's rights. Further the Plaintiff has submitted that a notice u/s 80 of C.P.C. was served to the defendants and in its reply defendants have admitted that the Plaintiff has the possession of the suit property and despite admitting the Plaintiff's possession in a reply to a notice under Section 80 of the Civil Procedure Code (C.P.C.), issued a threat on 15.12.2013, to forcibly vacate the land without following due process of law hence plaintiff filed the present suit.

2. The plaintiff has prayed for following reliefs from the Court ;
 - A. To pass a Decree of Declaration stating that since the purpose of the land acquisition has not been implemented, the Plaintiff remain the lawful owner and occupier of the suit property even after the Consent Award.
 - B. To pass a permanent injunction order restraining the Defendants from disturbing the peaceful possession of the Plaintiff or evicting him from the suit land without following the due process of law.
 - C. All the costs of this suit will be compensated from the Defendants.
 - D. Any other order or relief which the Hon'ble Court may deem fit and proper be granted.
3. The summons of the present suit was duly served upon the defendants and the defendants appeared before the Court through their counsel however, even after many opportunities, the defendants did not file any written statement and hence, the right of the defendants to file the written statement was closed on 18.01.2025.
4. The plaintiff side has produced following oral and documentary evidences in support of the case;

Oral Evidence :-

Sr. No.	Particulars	Exhibit
1.	Affidavit of examination in chief of plaintiff	28

Documentary Evidence :-

Sr. No.	Particulars	Exhibit
1.	Certified Copy of Form No. 7 of Block No. 22/A/2/2 of Village-Ranipura, Ta. Amod.	34
2.	Certified Copy of Form No. 7 of Block No. 22/B/2/2 of Village-Ranipura, Ta. Amod.	35
3.	Certified Copy of Form No. 7 of Block No. 49 of Village-Ranipura, Ta. Amod.	36
4.	Certified Copy of Form No. 7 of Block No. 50/2 of Village-Ranipura, Ta. Amod.	37
5.	Photo Copy of Letter of Assistant Commissioner, Land Acquisition Cell, dated 13.04.2017.	38
6.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	39
7.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	40
8.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	41
9.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	42
10.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	43
11.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	44
12.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	45
13.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	46
14.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	47
15.	Letter of Talati-cum-Mantrishri, Ranipura, Ta. Amod dated 04.04.2015.	48
16.	Photo Copy of Original receipt of money received against recovery of Talati-cum-Mantrishri, Village: Ranipura, Ta. Amod.	49

17.	Letter of Talati-cum-Mantrishri, Ranipura, Ta. Amod dated 06.06.2014.	50
18.	Photo Copy of Original receipt of money received against recovery of Talati-cum-Mantrishri, Village: Ranipura, Ta. Amod.	51
19.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	52
20.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	53
21.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	54
22.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	55
23.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	56
24.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	57
25.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	58
26.	Photo Copy of Original receipt of money received against recovery of Talati-cum-Mantrishri, Village: Ranipura, Ta. Amod.	59
27.	Photo Copy of Receipt of depositing the amount of annual yield.	60
28.	Photo Copy of Receipt of depositing the amount of annual yield.	61
29.	Photo Copy of Original receipt of money received against recovery of Talati-cum-Mantrishri, Village: Ranipura, Ta. Amod.	62
30.	Original letter written to Assistant Commissioner.	63
31.	Original Payment Slip of Revenue Tax Payment of A/c No. 130, Village: Rani, Ta. Amod.	64
32.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	65
33.	Original Payment Slip of Shikshan Upkar of A/c No. 130, Village: Rani, Ta. Amod.	66
34.	Photo Copy of Award	67
35.	Office Copy of Notice	68
36.	Photo Copy of Reply of Notice given by Defendant No. 3.	69
37.	Copy of Village Form No. 7/12 of Survey No 22/A/2.	70
38.	Copy of Village Form No. 7/12 of Survey No 22/B/2.	71

39.	Copy of Village Form No. 7/12 of Survey No 49.	72
40.	Copy of Village Form No. 7/12 of Survey No 50.	73

5. The plaintiff filed closing pursis vide Exh.- 74 stating that the plaintiff do not want lead any oral or documentary evidences.
6. Even after many opportunities have been given to the defendants to adduce evidence but defendants did not adduce any evidence hence the plaintiff has filed an application to close the right to adduce evidence of the defendants and this court passed an order to close the right to adduce the evidence of defendants on 28.02.2026 vide Exh. 76.
7. For determination of the present suit, following issues were framed vide Exh.- 25 ;

Issues

- (૧) શું વાદી પુરવાર કરે છે કે સંમતિ એવોર્ડ થયો તે પહેલાથી વાદી કાયદેસરના માલિક તથા કબ્જેદાર ચાલી આવેલા છે ?
- (૨) શું વાદી પુરવાર કરે છે કે, સંમતિ એવોર્ડ થયા બાદ વાદીનો સ્થળ પર પ્રત્યક્ષ કબ્જો ભોગવટો ચાલી આવેલો છે ?
- (૩) શુ વાદી પુરવાર કરે છે કે, પ્રતિવાદી નં.૩ નાએ જે હેતુ માટે જમીન સંપાદિત કરેલી તે હેતુનો કોઈ અમલ કરવામાં આવેલો ન હોવાથી વાદી સંમતિ એવોર્ડ બાદ પણ કાયદેસરના માલિક મુખત્યાર છે ?
- (૪) શુ વાદી માંગ્યા મુજબની દાદ મેળવવા હકકદાર છે ?
- (૫) શું હુકમ અને શું હુકમનામું ?

8. My findings on the above issues are as under :-

Issues	Findings
Issue No.1	In Negative
Issue No.2	In Negative
Issue No.3	In Negative
Issue No.4	In Negative
Issue No.5	As per Final Order

9. **Oral evidence & cross examination of plaintiff side :-**

The plaintiff in the examination in chief on oath produced vide Exh.- 28 has reiterated the facts of the plaint and referred the documentary evidences produced and hence, for the sake of brevity and convenience and to avoid repetition of facts, the same has not been reiterated.

The plaintiff in his cross-examination admitted that the land mentioned in the schedule of this suit was acquired around the year 2003. He further admitted that along with this plaintiff's land, lands of many other farmers were also acquired and Land Reference cases regarding the same were also filed in the Hon'ble Bharuch Court and judgments for those cases have also been delivered. He further admitted that he has received the compensation amount that was awarded as per the government norms for the land acquired at the time of acquisition. He further admitted that since the acquisition of land i.e., since 2003 the name of government is running in the revenue records as an owner & possessor of the suit property.

10. **Arguments :-**

Heard the Ld. Advocate for both the respective parties at length.

- : Reasoning and Analysis : -

Issue nos.1 to 3 :-

As all the issues are inter-connected and co-related to each other and hence, in order to avoid repetition of facts and for the sake of brevity and convenience, all the issues are hereunder jointly discussed.

As the Issue No. 1 & 2 are concerned, regarding the fact that whether the plaintiff proves that he is the owner and possessor of the suit property before & after the consent award passed by the authority and whether the plaintiff proves that he is in the actual physical possession of the suit property after passing of the consent award. To prove these issues the plaintiff has filed examination-in-chief on oath vide Exh. 28 and produced documentary evidence vide Exh. 34 to Exh. 73. On perusal of examination-in-chief of plaintiff vide Exh. 28 it seems that plaintiff has reiterated all the facts mentioned in the plaint however, in the cross-examination of plaintiff he categorically admitted that since the acquisition of land i.e., from year 2003 the name of government is running in the revenue records as an owner & possessor of the suit property and hence on the basis of his admission the question of ownership and possession with the plaintiff does not arise. Further on the basis of above admission made by the plaintiff the plea of plaintiff that he is in actual physical possession of the suit property cannot be accepted.

As the issue no. 3 is concern that whether the plaintiff proves that after passing of the consent award of acquisition of land he is the owner & possessor of the suit property as the main object of acquiring the suit land was not implemented. To prove this issue the plaintiff filed his examination-in-chief vide Exh. 28 wherein he reiterated that the facts of the plaint however, on perusal of the cross-examination of the plaintiff it seems that the plaintiff has categorically admitted that plaintiff's land as well as lands of many other farmers were also acquired and Land Reference cases regarding the same were

also filed in the Hon'ble Bharuch Court and judgments for those cases have also been delivered and he further also admitted that he has received the compensation amount that was awarded as per the government norms for the land acquired at the time of acquisition. Now, looking to the above admission made by the plaintiff it has been proved that land of plaintiff and other farmers were acquired by the defendants in 2003 and dispute regarding the compensation amount between the parties were settled by way of Land Reference Cases instituted at Bharuch Court and the judgments for those cases were also been delivered and plaintiff of the present suit had received amount of compensation from the defendants. In view of the above the plea of plaintiff that after the consent award the plaintiff is the owner of the suit property cannot be accepted. It is settled that every admission made by person is conclusive proof and need not support by any other evidence therefore, in view of the above discussion, plaintiff failed to prove the facts of issue nos. 1 to 3 and hence Issue nos.1 to 3 are answered In Negative.

Issue Nos. 4 & 5:-

So far as the issue no. 4 is concerned regarding whether the plaintiff is entitled to get the reliefs as prayed for, now taking into consideration the discussion of above issues, it seems that the plaintiff has failed to prove the facts of issue nos.1 to 3 to the satisfaction of this Court. Further, on perusal of the plaint it seems that the plaintiff has challenged the consent award of land acquisition authority by way of present suit however, the question arise before this court is whether the plaintiff can challenge the award passed by the land acquisition authority by way of present suit ? Before answering the above question it is necessary to go through the relevant provision of SECTION 63 of "THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013" which states that :

Section 63 : No civil court (other than High Court under

article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Now, looking to the above provision it seems that it is clear barred of civil court's jurisdiction to entertain civil suit for dispute relating to land acquisition and on the basis of the above said provision the question that whether the plaintiff can challenge the award passed by the land acquisition authority by way of present suit before this court ? The answer of the question is that the plaintiff cannot challenge the award passed by the land acquisition authority by way of present suit before this court in view of the provision of Section 63 of LARR Act, 2013. Hence, this Court is of the view that the plaintiff is not entitled to get the reliefs as prayed for and, therefore, Issue no. 4 is answered In Negative and the Issue no.5 is followed as per Final Order.

- : FINAL ORDER : -

1. The present suit of the plaintiff bearing R.C.S. No. 184 of 2017 is hereby Dismissed.
2. The plaintiff and defendants are hereby ordered to bear the costs of the suit on their own.
3. Decree to be drawn accordingly.

Pronounced and signed today in open Court on 24th day of March, 2026.

Place :- Jambusar
Date :- 24/03/2026

(A. D. Rao)
Principal Senior Civil Judge,
Jambusar
UIC : GJ01480