

GJPM040014352023



C. M. A. No.36 of 2023
ORDER BELOW PAYMENT PURSIS
IN LAND REFERENCE CASE No.18 OF 2017

CLAIMANTS :

Legal Heirs of deceased Mohanbhai Mangalbhai Gohil.

Legal Heirs of deceased Kamlaben D/o Mohanbhai Mangalbhai Gohil and W/o Khodabhai Shabhaibhai Parmar.

1. Legal Heirs of deceased Ganpatbhai S/o Khodabhai Shabhaibhai Parmar
- 1/1 Hiraben W/o Shankarbhai Rathod and D/o Ganpatbhai Khodabhai Parmar,
Aged 47 years, Religion : Hindu, Occu. Housework / Agriculture.
- 1/2 Chaturiben W/o Parvatbhai Parmar and D/o Ganpatbhai Khodabhai Parmar,
Aged 51 years, Religion : Hindu, Occu. Housework/ Agriculture.
Applicant Nos.1/1 and 1/2 are Resi. at : Varasda, Ta.Halol, Dist. Panchmahal.
- 1/3 Ramanbhai S/o Ganpatbhai Khodabhai Parmar,
Aged 38 years, Religion : Hindu, Occu. Labour/ Agriculture.
Resi. at : Ranipura, Ta.Halol, Dist. Panchmahal.
- 1/4 Anandiben W/o Natvarsinh Parmar and D/o Ganpatbhai Khodabhai Parmar.
Aged 36 years, Religion : Hindu, Occu. Labour/ Agriculture.
Resi. at : Kalsar, Ta.Halol, Dist. Panchmahal.
2. Legal Heirs of deceased Dalpatbhai S/o Khodabhai Shabhaibhai Parmar.
- 2/1 Savitaben W/o Dalpatbhai Khodabhai Parmar.
Aged 62 Years, Religion : Hindu, Occu. Housework/ Labour.
- 2/2 Sitaben W/o Arjunbhai Solanki and D/o Dalpatbhai Khodabhai Parmar.
Aged 47 Years, Religion : Hindu, Occu. Housework/ Labour.

- Applicant Nos.2/1 and 2/2 are resi. at : Varasda,
Ta.Halol, Dist. Panchmahal.
- 2/3 Gitaben W/o Kanubhai Parmar and D/o Dalpatbhai
Khodabhai Parmar.
Aged 41 Years, Religion : Hindu, Occu. Housework/
Agriculture.
Resi. at : Sardarpura, Godhra, Dist. Panchmahal.
- 2/4 Radhiben @ Radhaben W/o Ranjitsinh Baria and D/o
Dalpatbhai Khodabhai Parmar.
Aged 39 Years, Religion : Hindu, Occu. Housework/
Agriculture.
Resi. at : Champaner, Pavagadh, Ta.Halol,
Dist.Panchmahal.
3. Champaben W/o Vakhatbhai Parmar and D/o Khodabhai
Shabhaibhai Parmar,
Aged 59 Years, Religion : Hindu,
Occu. Housework/Agriculture.
Resi. at : Varasda, Ta.Halol, Dist.Panchmahal.

Versus

OPPONENTS :

- 1] The State of Gujarat, Gandhinagar.
 - 2] The Deputy Collector and Special Land
Acquisition Officer.
At : GIDC, 6th Floor, Unick Trade Center, Behind
Kansar Hotel, Sayagiganj, Vadodara.
 - 3] The General Manager.
(J-A) GIDC, Udhyogbhavan,
Sector-11, Gandhinagar.
1. The applicant here have requested this Court by
presenting this puris of granting an amount of
compensation deposited by the opponent with this Court. I
have heard Ms. V. P. Chauhan, Learned Advocate for the
applicants as well as considered an endorsement made by
Ms. L. R. Sheth, Learned A.G.P. upon the pursis on behalf
of the opponent No.1 and Mr. J. A. Patel, Learned
Advocate for the opponent No.2.

2. Upon perusal of the record, it transpires that, earlier one Mr. Kalpesh Ranjikan Shah and another had filed SPCS No.28/2013 against the present applicants and others for cancellation of return registered sale deed which was rejected by this Court vide its order dated 20.06.2024. Further, as there was dispute amongst the interested persons regarding ownership of the land bearing R.S. No.335 of Village, Masvad, Ta. Halol having measurement 03-90-52 as well as for distribution of compensation awarded by the Special Land Acquisition Officer, GIDC, Vadodara, the Special Land Acquisition Officer, GIDC Vadodara and Ors. have filed LAR No.312/2013 u/s 30 and 31 of the Land Acquisition Act, 1894. Wherein, this Court has by its order dated 20.06.2024 hold that the opponent Nos.4/1 to 4/7, 5/1 to 5/15, 9 to 17 (Legal heirs of Mangalbhai Nathabhai Gohil), 18/1 to 18/8 and 19 to 27 are only entitled to receive an amount of compensation for the said acquired land along with all statutory benefits granted under the Act. Thereafter, present applicants have filed LAR No. 18/2017 for enhancement of compensation amount of land acquisition award u/s 18 of the Land Acquisition Act. The said LAR No.18/2017 was allowed by this Court on dated 27.01.2022. Being aggrieved and dissatisfied by an order and award passed by this Court in LAR No.18/2017, the General Manager, GIDC, Vadodara has preferred a First Appeal No.4726/2022 before the Hon'ble High Court of Gujarat. During pending appeal the General Manager, GIDC, Vadodara has deposited total Rs.4,65,87,360/- an

amount of compensation before the Hon'ble High Court of Gujarat. Later on such amount was transferred in account of this Court. Moreover, pending Appeal No.4726/2022 original opponent Nos.7 and 8 of LAR No.312/2013 had filed an appeal No.3107/2024 before the Hon'ble High Court of Gujarat.

3. In a CAV Judgment of First Appeal No.3107/2024 the Hon'ble High Court of Gujarat after deliberate discussion hold that the legal heirs of Mangalbhai Nathabhai Gohil are entitled to get compensation and the respondent Nos.7 and 8 of LAR No.312/2013 i.e. Parmar Mahendrabhai Shankarbhai and Parmar Ramilaben D/o Shankarbhai are not entitled to receive any compensation. Meaning thereby, Hon'ble the High Court of Gujarat has upheld an order passed by this Court in LAR No.312/2013 under such circumstances objection raised by Mahendrasinh Shankarsinh Parmar at Exh.6 is not tenable.

Another objection raised by Pratapbhai Maganbahi Gohil at Exh.11, whereby, he has contended that RCS No.132/2022 is pending for adjudication before this Court under such circumstances he has requested this Court not to pay an amount of compensation as requested by present applicants.

4. For this purpose, I would like to take recourse of CAV Judgment rendered by the Hon'ble High Court of Gujarat in First Appeal No.3107/2024, wherein, the Hon'ble High Court of Gujarat has observed that land in question is land

bearing R.S. No.335 (old Survey No.166/10) of Village Masvad, admeasuring 03-90-52 Hec.Are.Sqr.Mtrs. was originally owned by Chimanlal Chandulal, Shivprasad Chandulal and Gunvantlal Chandulal. On the death of Mangalbhai Nathabhai Gohil in the year 1956 name of his legal heirs were mutated in the revenue record vide mutation entry No.733, dated 31.05.1960. Legal heir of Deceased Mangalbhai Nathabhai Gohil were Shankarbhai Mangalbhai, Maganbhai Mangalbhai, Chhaganbhai Mangalbhai and Mohanbhai Mangalbhai. Hence, they were entitled for 1/4 share from land bearing R.S. No.335 of Village Masvad. Present applicants are legal heirs of Mohanbhai Mangalbhai. While Pratapbhai Maganbhai Gohil is son of Maganbhai Mangalbhai Gohil.

It is pertinent to note here that, as discussed herein above deceased Mangalbhai Nathabhai Gohil had a four sons. Therefore, each son was entitled for 1/4 share from the compensation of the land bearing R.S. No.335 of Village Masvad. Present applicants and objector Pratapbhai Maganbhai are from separate hierarchy of Mohanbhai Mangalbhai and Maganbhai Mangalbhai. Present applicant have requested for 50% amount of compensation 1/4 portion of total amount of compensation for which they are exclusively entitle for.

In a given case as per the endorsement made by Nazir of this Court Rs.4,65,87,360/- are deposited with this Court which was deposited in a SBI for a fixed deposit. Further, Nazir of this Court made another endorsement to the effect that upon realization of that

FDR it was Rs.4,95,62,425/- in a total amount. The Hon'ble High Court of Gujarat has passed an order in First Appeal No.4726/2022 dated 11.01.2023 to disburse 50% amount amongst the entitled persons and rest of the 50% amount be invested in any nationalized bank. Now, being a legal heir of Mohanbhai Mangalbhai Gohil present applicants are entitled for 1/4 share of compensation amount pursuant to an order passed by the Hon'ble High Court of Gujarat in First Appeal No.4726/2022 dated 11.01.2023.

5. Now total amount of compensation lies with this Court Rs. 4,95,62,425/- out of which 50% amount i.e. Rs.2,47,81,213/- are required to be invested in any nationalized bank. While, another 50% amount Rs.2,47,81,212/- are required to be disburse amongst the legal heirs of Mangalbhai Nathabhai Gohil. Under such circumstances, present applicants are entitled to receive 1/4 amount from Rs.2,47,81,212/- i.e. Rs.61,95,303/-.

Moreover, upon perusal of the record it appears that, earlier this Court has passed an order to disburse same amount amongst the legal heirs of Mangalbhai Nathabhai Gohil under CMA No.56/2024, 51/2024 and 20/2023 dated 31.01.2025. Under such circumstances, I am of the considered view that Pratapbhai Maganbhai Gohil is not tenable in eye of law because he is entitled to get an amount of compensation from his separate 1/4 share of compensation and from the share of present applicants.

6. With this, considering discussion made herein above this Court is arrived at conclusion that the claimants herein have given the present pursis for withdrawal of only 50% amount from their 1/4 share. Hence, they have filed this application. Death certificates and Panchkyas of respective parties have produced with list of Exh.10. Moreover, present all the claimants have physically appeared before this Court alongwith their identification proof and they all have declared that in their Exh.1 application that if the claim amount be ordered to be paid to Gitaben Kanubhai Parmar then they have "No-objection". Said Gitaben Kanubhai Parmar has also filed her undertaking at Mark-3/7 dated 23.03.2023 and another undertaking dated 08.07.2026 stating that if any, contingency arises in future, she shall deposit back the said amount with this Court. Therefore, considering the record, the claimants are entitled to withdraw only their part of share, hence the following order is passed in the larger interest of justice.

:: ORDER ::

- Nazir of this Court is hereby directed to withdrawal the FDR No.43800174149 of Rs.61,95,303/- (Rupees Sixty One Lacs Ninety Five Thousand Three Hundread Three Only) and paid its entire amount alongwith whatever interest to Gitaben Kanubhai Parmar whose name is mentioned in the present payment pursis, by A/c. Payee

Cheque after due verification and identification and only on her personal appearance at the time of payment.

- The claimant is directed to furnish the Election Card / Ration Card / Driving Licence etc. along with her recent passport size photograph as the proof of her personal identification at the time of receiving the payment.
- The above payment is made with a condition that, if any, contingency arises in future, the claimant shall deposit back the said amount with this Court without fail.

Signed and pronounced in open Court today i.e. on this 28th day of July 2026.

Date :28/07/2026.
Place : Halol.

[Rajeshkumar Batuklal Joshi]
Principal Senior Civil Judge,
Ta.Halol, Dist.Panchmahal.
(Code No.GJ00952)

V. T. Desai