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Registered on : 22/04/2008

Decided on : 07/12/2018

Duration :

YY :10 MM: 07 DD:15

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**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE**  
**AT KESHOD**

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Land Reference Cases Nos.237/16, (MAIN)
with

(L.R.C.No.238/16, L.R.C.No.240/16, L.R.C.No.242/16,
L.R.C.No.243/16, L.R.C.No.248/16, L.R.C.No.249/16,
L.R.C.No.251/16, L.R.C.No.252/16, L.R.C.Nos. 254/16
to 266/16, L.R.C.No.268/16, L.R.C.No.269/16,
L.R.C.Nos.271/16 to 283/16, L.R.C.Nos. 285/16 to
313/16, L.R.C.Nos.315/16 to 334/16, L.R.C.No.339/16,
L.R.C.No.341/16, L.R.C.No.342/16, L.R.C.Nos.345/16
to 354/16, L.R.C.No.356/16, L.R.C.No.357/16.

Exh. ____

CLAIMANTS :

1] **LAND REFERENCE CASE NO. 237/16**

Heirs of deceased Bhanabhai Lakhmanbhai

1/1.Rameshbhai Bhanabhai Devdhariya,

1/2.Bhimabhai Bhanabhai Devdhariya,

2] **LAND REFERENCE CASE NO. 238/16**

Heirs of deceased Jamnadas Gordhanbhai

1/1.Sardaben Jamnadas,

3] **LAND REFERENCE CASE NO. 240/16**

Heirs of deceased Jamnadas Gordhanbhai

1/1.Sardaben Jamnadas,

4] **LAND REFERENCE CASE NO. 242/16**

1. Babubhai Ramjibhai Teraiya,

5] **LAND REFERENCE CASE NO. 243/16**

1. Savitaben Gaurishankar Ravaiya,

2. Gaurishankar Kalyanji Ravaiya,

6] **LAND REFERENCE CASE NO. 248/16**

1. Nanjibhai Bhurabhai,

2. Heirs of deceased Manjibhai Bhurabhai.

2/1. Mukesh Manjibhai,

2/2. Hitesh Manjibhai,

7] **LAND REFERENCE CASE NO. 249/16**

Heir of deceased Kalyanbhai Khimabhai.

1. Muktaben Kalyanbhai,

2. Kiritbhai Kalyanbhai, (Abate)

3. Arvindkumar Kalyanbhai,

8] **LAND REFERENCE CASE NO. 251/16**

Heir of decd. Shivrambhai Bhimbhai

1. Heir of deceased Dayashankar Shivrambhai Ravaiya

1/1. Manojbhai Dayashankarbhai,

1/2. Rasikhbhai Dayashankarbhai,

1/3. Shardaben Dayashankarbhai,

1/4. Saraswatiben Dayashankarbhai,

1/5. Parvatiben Dayashankarbhai,

2. Prabhasankar Shivrambhai Ravaiya,

9] **LAND REFERENCE CASE NO. 252/16**

1. Naranbhai Mohanbhai Ravaiya,

10] **LAND REFERENCE CASE NO. 254/16**

1. Harjivanbhai Arjanbhai,

11] **LAND REFERENCE CASE NO. 255/16**

1. Mansukhbhai Labhshankarbhai,

2. Pravinbhai Labhshankarbhai,

3. Ratilal Labhshankarbhai,

4. Heirs of deceased Amrutlal Labhshankarbhai

4/1. Ramaben Amrutlal,

4/2. Bhadresh Amrutlal,

4/3. Dharmishtha Amrutlal,

4/4. Rina Amrutlal,

4/5. Manish Amrutlal,

12] **LAND REFERENCE CASE NO. 256/16**

1. Bhanushankar Mohanlal Ravaiya,

13] **LAND REFERENCE CASE NO. 257/16**

1. Heir of deceased Nanalal Govindbhai.

1/1. Shantaben Nanalal,

14] **LAND REFERENCE CASE NO. 258/16**

1. Chhaganbhai Kalyanbhai,
2. Mukeshbhai Chhaganbhai,

15] **LAND REFERENCE CASE NO. 259/16**

1. Heir of deceased Nanalal Govindbhai.
- 1/1. Shantaben Nanalal,

16] **LAND REFERENCE CASE NO. 260/16**

1. Mansukhlal Govindbhai,

17] **LAND REFERENCE CASE NO. 261/16**

Heirs of deceased Rugnathbhai Mahidhar.

1. Bhanushankar Rugnathbhai,
2. Babulal Rugnathbhai,
3. Bhimbhai Rugnathbhai
4. Jasuben Rugnathbhai
5. Heirs of deceased Prabhashankar Rugnathbhai
- 5/1. Kamlesh Prabhashankar,
- 5/2. Sanjay Prabhashankar,
- 5/3. Champaben Prabhashankar,

18] **LAND REFERENCE CASE NO. 262/16**

1. Karshanbhai Kalyanbhai Ravaiya,

19] **LAND REFERENCE CASE NO. 263/16**

1. Mansukhlal Govindbhai,

20] LAND REFERENCE CASE NO. 264/16

Administrator of Ramaben Amrutlal.

1. Mansukhlal Labhshankar,

21] LAND REFERENCE CASE NO. 265/16

1. Mansukhbhai Kalyanbhai,

2. Rameshbhai Kalyanbhai,

22] LAND REFERENCE CASE NO. 266/16

Heir of deceased Rambhai Dhanabhai.

1. Arjanbhai Rambhai,

23] LAND REFERENCE CASE NO. 268/16

1. Harsukhbhai Mohanbhai Ravaiya,

24] LAND REFERENCE CASE NO. 269/16

Heir of deceased Meghabhai Jinabhai and
decd.Dahiben Meghabhai Solanki,

1. Heirs of decd. Bhurabhai Jinabhai,

1/1.Heirs of decd. Hamirbhai Bhurabhai Solanki

1/1/1. Jivtibhen Hamirbhai Solanki,

1/1/2. Ravjibhai Hamirbhai Solanki,

25] LAND REFERENCE CASE NO. 271/16

1. Savitaben Kalyanbhai Joshi,

26] LAND REFERENCE CASE NO. 272/16

1. Mansukhbhai Kalyanbhai,

2. Rameshbhai Kalyanbhai,

27] **LAND REFERENCE CASE NO. 273/16**

1. Mansukhbhai Kalyanbhai,

2. Rameshbhai Kalyanbhai,

28] **LAND REFERENCE CASE NO. 274/16**

1. Dhirajlal Gigabhai Ravaiya,

29] **LAND REFERENCE CASE NO. 275/16**

Heir of deceased Hirabhai Amrabhai.

1. Hansaben Hirabhai Chudasama,

30] **LAND REFERENCE CASE NO. 276/16**

Heir of deceased Dhanbai Amarabhai.

1. Madhabhai Amarabhai.

2. Danabhai Amarabhai.

31] **LAND REFERENCE CASE NO. 277/16**

Heir of deceased Govindbhai Amarabhai.

1. Raniben Govindbhai Chudasama,

2. Pravinbhai Govindbhai Chudasama,

3. Rameshbhai Govindbhai Chudasama,

32] **LAND REFERENCE CASE NO. 278/16**

Heir of deceased Ramjibhai Amarabhai.

1. Jivrajbhai Ramjibhai,
2. Kishorbhai Ramjibhai,
3. Subhashbhai Ramjibhai,

33] **LAND REFERENCE CASE NO. 279/16**

1. Jivrajbhai Ramjibhai,

34] **LAND REFERENCE CASE NO. 280/16**

Heirs of deceased Bhanabhai Khodabhai.

1. Narsinhbhai Bhanabhai Vaghela,
2. Jentilal Bhanabhai Vaghela, (Abatted)
3. Kiritbhai Bhanabhai Vaghela,

35] **LAND REFERENCE CASE NO. 281/16**

Heirs of deceased Kalabhai Ramabhai.

1. Bhupatbhai Kalabhai,
2. Govindbhai Kalabhai,
3. Abhalbhai Kalabhai,
4. Manjulaben Kalabhai,

36] **LAND REFERENCE CASE NO. 282/16**

Heirs of deceased Shantaben Amrutlal Sakariya.

1. Amrutlal Arjanbhai,
2. Hansaben Dhirajlal Dave,
3. Narmadaben Rameshbhai Dave,
4. Dipakbhai Amrutlal,

37] **LAND REFERENCE CASE NO. 283/16**

1. Mansukhbhai Kalyanbhai Ravaiya,
2. Rameshbhai Kalyanbhai Ravaiya,

38] **LAND REFERENCE CASE NO. 285/16**

Heirs of deceased Bhikhubhai Gigabhai Ravaiya.

1. Jivuben Bhikhubhai Ravaiya,
2. Ratilal Bhikhubhai Ravaiya,
3. Shardaben Bhikhubhai Ravaiya,
4. Shobhanaben Bhikhubhai Ravaiya,
5. Induben Bhikhubhai Ravaiya,

39] **LAND REFERENCE CASE NO. 286/16**

1. Heirs of deceased Bhikhubhai Gigabhai Ravaiya.

- 1/1. Jivuben Bhikhubhai Ravaiya,
2. Ratilal Bhikhubhai Ravaiya,
3. Shardaben Bhikhubhai Ravaiya,
4. Shobhanaben Bhikhubhai Ravaiya,
5. Induben Bhikhubhai Ravaiya,

40] **LAND REFERENCE CASE NO. 287/16**

1. Jentibhai Kanjibhai Ravaiya,

41] **LAND REFERENCE CASE NO. 288/16**

1. Balubhai Kanjibhai Ravaiya,

42] **LAND REFERENCE CASE NO. 289/16**

1. Haribhai Govingbhai Madhak,

43] LAND REFERENCE CASE NO. 290/16**Heir of deceased Hirabhai Jivabhai**

1. Vitthalbhai Hirabhai Madhak,
2. Hareshbhai Hirabhai Madhak,
3. Heirs of decd.Bhagwanbhai Hirabhai Madhak,

3/1.Mansukhbhai Bhagvanjibhai Madhak,
3/2.Pravinbhai Bhagvanjibhai Madhak,
3/3.Jitendrabhai Bhagvanjibhai Madhak,
3/4.Savitaben Bhagvanjibhai Madhak,
3/5.Kiranben Bhagvanjibhai Madhak,

44] LAND REFERENCE CASE NO. 291/16**Heir of deceased Hirabhai Jivabhai**

1. Vitthalbhai Hirabhai Madhak,
2. Hareshbhai Hirabhai Madhak,
3. Heirs of decd.Bhagwanbhai Hirabhai Madhak,

3/1.Mansukhbhai Bhagvanjibhai Madhak,
3/2.Pravinbhai Bhagvanjibhai Madhak,
3/3.Jitendrabhai Bhagvanjibhai Madhak,
3/4.Savitaben Bhagvanjibhai Madhak,
3/5.Kiranben Bhagvanjibhai Madhak,

45] LAND REFERENCE CASE NO. 292/16**Heir of deceased Harjibhai Jivanbhai.**

1. Nandlalbhai Harjibhai,

46] LAND REFERENCE CASE NO. 293/16**Heir of deceased Harjibhai Jivanbhai.**

1. Nandlalbhai Harjibhai,

47] **LAND REFERENCE CASE NO. 294/16**

1. Chhaganbhai Kalyanbhai Dave,

48] **LAND REFERENCE CASE NO. 295/16**

1. Bachubhai Kalyanbhai Dave,

49] **LAND REFERENCE CASE NO. 296/16**

1. Devjibhai Shivrambhai Joshi,

50] **LAND REFERENCE CASE NO. 297/16**

1. Mansukhbhai Mohanbhai Ravaiya,

51] **LAND REFERENCE CASE NO. 298/16**

1. Bhaishankarbhai Arjanbhai,

52] **LAND REFERENCE CASE NO. 299/16**

1. Virjibhai Kanjibhai Ravaiya,

2. Jentilal Kanjibhai Ravaiya,

53] **LAND REFERENCE CASE NO. 300/16**

Heir of deceased Hirabhai Harjibhai

1. Vitthalbhai Hirabhai Madhak,

2. Hareshbhai Hirabhai Madhak,

3. Heirs of decd.Bhagwanbhai Hirabhai Madhak,

3/1.Mansukhbhai Bhagvanjibhai Madhak,

3/2.Pravinbhai Bhagvanjibhai Madhak,

3/3.Jitendrabhai Bhagvanjibhai Madhak,

3/4.Savitaben Bhagvanjibhai Madhak,

3/5.Kiranben Bhagvanjibhai Madhak,

54] **LAND REFERENCE CASE NO. 301/16**

1. Rameshbhai Ramjibhai Joshi,
2. Amrutlal Ramjibhai Joshi,

55] **LAND REFERENCE CASE NO. 302/16**

1. Vitthalbhai Bhovanbhai,

56] **LAND REFERENCE CASE NO. 303/16**

1. Heirs of decd. Gaurishankar Govindbhai Ravaiya,
 - 1/1. Manishaben Gaurishankar Raviya,
 - 1/2. Harshaben Gaurishankar Raviya,
 - 1/3. Heirs of Jaysukhlal Gaurishankar
 - 1/3/1. Vinaben Jaysukhlal Raviya,
 - 1/3/2. Hiren Jaysukhlal Raviya,
2. Jentilal Govindbhai Ravaiya,
3. Prabhulal Govindbhai Ravaiya,
4. Heirs of Harsukhlal Govindbhai Ravaiya,
 - 4/1. Madhuben Harsukhlal Ravaiya,
 - 4/2. Pradipbhai Harsukhlal Ravaiya,
 - 4/3. Devangiben Harsukhlal Ravaiya,

57] **LAND REFERENCE CASE NO. 304/16**

1. Haribhai Govindbhai Madhak,

58] **LAND REFERENCE CASE NO. 305/16**

1. Bhanushankar Ramjibhai Ravaiya,

59] **LAND REFERENCE CASE NO. 306/16**

Heir of deceased Govindbhai Vashrambhai.

1. Vaikuthbhai Govindbhai Ravaiya,
2. Labhshankar Govindbhai Ravaiya,

60] **LAND REFERENCE CASE NO. 307/16**

Heir of deceased Laljibhai Gordhanbhai and deceased Maniben Laljibhai.

1. Heir of deceased Narsibhai Gordhanbhai.
- 1/1.Rasikbhai Narsibhai,

61] **LAND REFERENCE CASE NO. 308/16**

1. Mohanbhai Harjibhai Madhak,

62] **LAND REFERENCE CASE NO. 309/16**

1. Gaurishankar Harjibhai Madhak,

63] **LAND REFERENCE CASE NO. 310/16**

1. Kapilbhai Harjibhai Madhak,

64] **LAND REFERENCE CASE NO. 311/16**

1. Nanjibhai Kalyanjibhai,

65] **LAND REFERENCE CASE NO. 312/16**

1. Manilal Kalyanjibhai,
2. Kantilal Kalyanjibhai,

66] **LAND REFERENCE CASE NO. 313/16**

Heirs of decd. Virjibhai Khimjibhai Bhalani.

1. Pravinbhai Virjibhai Bhalani,
2. Bharatbhai Virjibhai Bhalani,

67] **LAND REFERENCE CASE NO. 315/16**

Heirs of decd. Parshotambhai Naranbhai Navadiya

1. Vanitaben Parshotambhai,
2. Dhanjibhai Parshotambhai,
3. Shobhanaben Parshotambhai,

68] **LAND REFERENCE CASE NO. 316/16**

Heirs of decd. Bhagvanjibhai Jinabhai.

1. Kantilal Bhagvanjibhai,

69] **LAND REFERENCE CASE NO. 317/16**

1. Laljibhai Jinabhai Madhak,

70] **LAND REFERENCE CASE NO. 318/16**

Heirs of decd. Harilal Jinabhai.

1. Kishorbhai Jinabhai Madhak,

71] **LAND REFERENCE CASE NO. 319/16**

1. Kanjibhai Jinabhai Madhak,

72] LAND REFERENCE CASE NO. 320/16

Heirs of decd.Labhuben Kalyanbhai Madhak,

1. Jivram Kalyanji Madhak,
2. Nanji Kalyanji Madhak,
3. Vallabh Kalyanji Madhak,
- 4.Heirs of decd. Ramesh Kalyanji Madhak,
- 4/1. Dilip Rameshbhai Madhak,
- 4/2. Sailesh Rameshbhai Madhak,
- 4/3. Dharmesh Rameshbhai Madhak,

73] LAND REFERENCE CASE NO. 321/16

Heirs of Ajbaiben Jinabhai Madhak,

1. Heirs of deceased Bhagwanbhai Jinabhai Madhak,
- 1/1. Punbaiben Bhagwanjibhai,
- 1/2. Kantilal Bhagwanjibhai,
- 1/3. Shardaben Bhagwanjibhai,
- 1/4. Sangeetaben Bhagwanjibhai,
- 1/5. Bhanuben Bhagwanjibhai,
2. Heirs of decd. Harilal Jinabhai.
- 2/1. Dayaben Harilal,
- 2/2. Geetaben Harilal,
- 2/3. Veenaben Harilal,
- 2/4. Mamtaben Harilal,
- 2/5. Kishorbhai Harilal,
3. Laljibhai Jinabhai,
4. Kanjibhai Jinabhai,
5. Ansuyaben Jinabhai,
6. Manjuben Jinabhai,

74] LAND REFERENCE CASE NO. 322/16

Heirs of decd. Govindbhai Tidabhai.

1. Shantaben Govindbhai,

75] LAND REFERENCE CASE NO. 323/16

Heirs of deceased Shantaben Amrutlal Sakariya.

1. Amrutlal Arjanbhai,
2. Hansaben Dhirajlal Dave,
3. Narmadaben Rameshbhai Dave,
4. Dipakbhai Amrutlal,

76] LAND REFERENCE CASE NO. 324/16

Heirs of decd. Virjibhai Ramjibhai.

1. Devsankar Virjibhai Ravaiya,
2. Maganbhai Virjibhai Ravaiya,

77] LAND REFERENCE CASE NO. 325/16

Heirs of decd. Giga Devji.

1. Bhikhubhai Gigabhai,
2. Dhirubhai Gigabhai,

78] LAND REFERENCE CASE NO. 326/16

1. Heirs of decd. Kalabhai Aalabhai Dayatar,

1/1. Puriben Kalabhai Dayatar,

1/2. Ashokbhai Kalabhai Dayatar,

1/3. Mahendrabhai Kalabhai Dayatar,

79] LAND REFERENCE CASE NO. 327/16

Heirs of deceased Babubhai Amrabhai Dayatar.

1. Dayatar Mahesh Arjanbhai,
2. Dayatar Rajesh Arjanbhai,
3. Dayatar Gitaben Arjanbhai,
4. Dayatar Devuben Arjanbhai,

80] **LAND REFERENCE CASE NO. 328/16**
Administrator of Karshanbhai Amarabhai

1. Babubhai Amarabhai,

81] **LAND REFERENCE CASE NO. 329/16**

1. Kanabhai Gangabhai Dayatar,

82] **LAND REFERENCE CASE NO. 330/16**

1. Naranbhai Gangabhai Dayatar,

83] **LAND REFERENCE CASE NO. 331/16**
Heirs of deceased Babubhai Amrabhai Dayatar.

1. Dayatar Mahesh Arjanbhai,
2. Dayatar Rajesh Arjanbhai,
3. Dayatar Gitaben Arjanbhai,
4. Dayatar Devuben Arjanbhai,

84] **LAND REFERENCE CASE NO. 332/16**

1. Heirs of decd. Kalabhai Aalabhai Dayatar,
1/1. Puriben Kalabhai Dayatar,
1/2. Ashokbhai Kalabhai Dayatar,
1/3. Mahendrabhai Kalabhai Dayatar,

85] **LAND REFERENCE CASE NO. 333/16**

1. Manubhai Aalabhai Dayatar,

86] **LAND REFERENCE CASE NO. 334/16**

Heirs of deceased Arshibhai Aalabhai Dayatar

1. Gigabhai Arshibhai Dayatar,

2. Rameshbhai Arshibhai Dayatar,

3. Mathurbhai Arshibhai Dayatar,

4. Manjuben Arshibhai Dayatar,

87] **LAND REFERENCE CASE NO. 339/16**

1. Shardulbhai Ramabhai Devdhariya,

88] **LAND REFERENCE CASE NO. 341/16**

Heir of deceased Jinabhai Dosabhai.

1. Nathabhai Jinabhai,

89] **LAND REFERENCE CASE NO. 342/16**

1. Virabhai Nathabhai Dangar,

90] **LAND REFERENCE CASE NO. 345/16**

Heirs of deceased Bhimabhai Lakhabhai.

1. Dilipbhai Bhimabhai Devdhariya,

2. Dhirubhai Bhimabhai Devdhariya,

3. Sanjaybhai Bhimabhai Devdhariya,

91] **LAND REFERENCE CASE NO. 346/16**

1. Bhimabhai Bhojabhai,

92] LAND REFERENCE CASE NO. 347/16

1. Meghabhai Bhojabhai,

93] LAND REFERENCE CASE NO. 348/16

1. Bhojabhai Chanabhai,

94] LAND REFERENCE CASE NO. 349/16

1. Samjubhai Ranabhai Dabhi,

95] LAND REFERENCE CASE NO. 350/16

1. Vinash Shambhubhai,

96] LAND REFERENCE CASE NO. 351/16

1. Mohanbhai Kanabhai Baraiya,

97] LAND REFERENCE CASE NO. 352/16

1. Gordhabhai Shambhubhai,

98] LAND REFERENCE CASE NO. 353/16

1. Shambhubhai Kanabhai Baraiya,

99] LAND REFERENCE CASE NO. 354/16

1. Shamjibhai Naranbhai Umadiya,

100] LAND REFERENCE CASE NO. 356/16

1. Heirs of decd. Mansukhbhai Ranchhodbhai
Rabariya,

- 1/1. Gauriben Mansukhbhai Rabariya,
- 1/2. Bharatbhai Mansukhbhai Rabariya,
- 1/3. Vijaykumar Mansukhbhai Rabariya,

101] **LAND REFERENCE CASE NO. 357/16**

1. Amrutlal Arjanbhai Sakariya,

**All Claimants R/o. village Bhakharvad, Ta. Maliya
Hatina, Distt. Junagadh.**

V/s.

OPPONENTS:

- (1) The Special Lands Acquisition Officer,
Collector Office, Junagadh.
- (2) Executive Engineer,
Irrigation Department Junagadh,
Junagadh.
- (3) The state of Gujarat.

Appearance:

Mr. K.V. Dhandhal, Ld. Advocate for the Claimants.
Mr. B.D. Mori, Ld. A.G.P. for the Opponents

: J U D G M E N T :

[1] The abovenamed claimants have filed these Land Reference Cases against the opponents for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"). These land reference cases arisen

from the Award Case No. 9/2004 dated 28-11-2007. The lands and residential construction gamtal of village Bhakharvad, Taluka : Maliya-Hatina, Dist.: Junagadh which are described in the award have been acquired by the authority for the purpose of construction of Bhakaharvad Punah Prabharan yojna. That for the purpose of acquisition of said lands and Residential construction, the Notification under Sec.4 of the Act was published in the Government Gazette on Dt.10/3/2005, and the notification under Sec.6 of the act was published on Dt.15/9/2005, thereafter, notice under Sec.9 of the Act were issued to the claimants. The Award u/s.11 of act was declared on the Dt.28/11/2007. The description of propeties acquired have been given in the award, for that there is no dispute between the parties.

[2] All the above reference cases have been arised out of above referred award for the lands/Residential Houses of one village and the evidence being common, these land reference cases have been consolidated and proceeded and heard together as per the Order passed below Ex.8 in L.A.R.No.237/16. Hence, the evidence is recorded in Land Reference Case No. 237/16.

[3] It is the case of claimants that Special Land Acquisition Officer, Junagadh District, has acquired their lands/Houses, vide L.A.Q. Case

No.09/2004 and awarded meager compensation of their properties by his Award dtd. 28/11/2007 U/s. 11 of the Land Acquisition Act. The compensation in respect to their acquired lands awarded to them by the opponent are totally inadequate, were too meager and unreasonable and against the facts and principles laid down under the Act and thus, committed grave error in passing the award. The construction of their houses is very pakka and of high quality and in a position so as to use the same upto 125 years and more; the Sp. Land Acquisition Officer, in his award, analyzed the properties by referring L.O.R. on the basis of valuation statement and accordingly awarded the compensation which is false and illegal and so called valuation statement is not within their knowledge and the estimate is inadequate and false and the same is not admitted to the claimants; in the said award, their construction is assessed only Rs. 1,276/- per sq.mtr. in the year 2005 which is not admitted to them and the same is inadequate. The actual market price of their properties on the said date is more than Rs. 3,000/- per Sq.mtr.; further the claimants have claimed the amount of compensation with 15% interest; the claimants have also claim the amount of solecium @ 30% on the market price as per Sec.23 (2) of the Land Acquisition Act and also the additional amount @ 12% as per Sec. 23(1-A) of the Act. Therefore, the claimants have filed the Land Reference cases

against the impugned Award for getting additional amount as asked by the claimants in their application.

[4] On the other side, the Opponents appeared before this Court and resisted these reference cases by filing written statement vide Exh.6, wherein, it is contended that the averments made in application are not true and not admitted by the opponent. The award passed in Award Cases by the Land Acquisition Officer is correct. The applications of claimants are time barred. It is not admitted that this Court has jurisdiction to entertain the present application. The Land Acquisition Officer has considered all the factors while determining the price of said properties. The notices were served Sec.9 of the Act to the claimants and after considering oral as well as documentary objections, the award has been passed. The present reference application is barred by Sec.25 of the Act. The compensation as well as the solecism has been awarded as per the provisions of the Act. The claimants are not entitled for the interest on the amount payable U/s. 23(1-A) and 23(2) of the Act. Hence, the Land Acquisition Officer has not erred in awarding the compensation. Hence, the opponents have requested to dismiss the land Reference Cases.

[5] Considering the pleadings of the

parties and documents, my predecessor has frame following issues vide exh.7.

1. Whether the applicant proves that the compensation awarded is inadequate?
2. Whether additional compensation, If any, the applicant is entitled to ?
3. Whether this application is in time?
4. Whether this Court has jurisdiction?
5. What order and award?

[6] My findings to the above issues are as under:

1. In the Affirmative
2. In the Affirmative
3. In the Affirmative
4. In the Affirmative
5. As per Final Order

[7] That the claimants as well as the opponents have adduced following oral as well as documentary evidence in order to prove their case.

On behalf of claimants' side

(A) ORAL EVIDENCE :

SR.NO.	PARTICULARS	EX. NO.
1	P.W.-1 Bhaishankarbhai Arjanbhai Raviya, claimant of L.R. Case no. 298/16	12

2	P.W.-2 - Dhirubhai Kanabhai Navadiya	17
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(B) DOCUMENTARY EVIDENCE :

SR.NO	PARTICULARS	EX.NO.
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1	Copy of the statement showing the area of pakka construction and open land of the claimants prepared on the basis of " H " statement of the Award	15
2	Certified copy of the judgment passed, in LRC case Nos. 191/2008 (Main) to 243/20008, by the 2nd Addl. Sr. Civil Judge, Veraval.	16
3	Closing Pursis	18

On behalf of the opponent, the Ld. A. G. P. has filed a closing pursis at exh.20, stating therein, that earlier, the judgment has been delivered in LRC No.191/08 to 243/08 on dtd.11/04/2016 Goverment has accepted this judgment.He has no objection if in these cases judgment will delivered as per judgment of LRC No.191/08 to 243/08. He does not want to lead any evidence on behalf of the State which he declared by this pursis.

[8] Ld. Advocate Mr. K.V. Dhandhal appearing on behalf of the claimants has filed written submissions at exh.22 on behalf of the claimants and submitted as under;

That, it is well settled law that award made by LAO is not evidence but only an offer and that cannot be read in evidence, the opponents have passed their closing pursis dtd. 14/08/2018, exh.20 stating that,they have no objection if the same rate of compensation is awarded as per the judgment exh.16 dtd. 11/04/2016. Further submitted that lands of same village of Bhakharvad were acquired for the same project namely "BHAKHARVAD PUNAH PRABHARAN YOJNA" and notification u/s.4 of the L.A.Act was published on 18-2-2005.The Ld.2nd Additional Senior Civil judge of Veraval in L.R.C No.191 to 243 of 2008 has determined the market value at the rate of Rs.2604 per sq.mtr.for residential construction and Rs.154 per sq.mtr.for open lands by its judgment dt.11-4-2016.In view of the above award Ex.16 of the same village Bhakharvad,compensation at Rs.2604 per sq.mtr for residential construction and Rs.154 per sq.mtr for open lands may be awarded in this case also,as the notification of u/s.4 was published on 18-2-2005.Since the markect price of village Bhakaharvad is decided by Reference Court and

confired and accepted by the opponents-Goverment as per stated above pursis at Ex.20, and as there is no diffence in the year in which Sec.4 notification was published.in view of settled legal position,same market price Rs.2604 per sq.mtr for residential construction and Rs.154 per sq.mtr. For open land as compensation be awarded in the present case.Further submitted that Court can grant a higher compensation than claimed by the claimant.

(9) The Ld.Advocate for the claimants has produced the relevant judgments in support of their submissions and claim as under :

1. The Officer V/s.Gordhanbhai Bhailalbhai Patel,
-1983(1) Gujarat Law Reporter-607
- 2.Chimanlal V/s. Spl.LAO,
-1988(3)SCC P-751=1988 Law Suit(SC)425
3. Bhim Singh & Others V/s.State of Haryana
-(2003)10 Supreme Court Cases-529
- 4.State of Gujarat V/s. Chaudhari Shankarbhai Dansangbhai,
-1992(2) Current Civil Cases-115(Gujarat)
- 5.Sp.LAO V/s. Chandrashankaran,

-1997 Law Suit(SC) 637

6. Patel Joitaram & ors V/s. Spl. Land Acquisition Officer & Anr.

-2007(2) Gujarat Law Reporter-1773

7. Ashokkumar & Others V/s. State of Haryana

-2016(4) Supreme Court Cases P-544

I have also considered the pursis exh.20 filed by Ld. A.G.P. for the Opponents. I have also gone through the oral as well as documentary evidence available on record.

: REASONS :

Issue No.1 & 2:

[10] On behalf of the claimants, Shri Bhaishankarbhai Arjanbhai Raviya, claimant of Land Reference case No. 298/16 has deposed on oath on behalf of all claimants that their open lands and consructed properties were acquired for "BHAKHARVAD PUNAH PRABHARAN YOJNA". He has seen all the acquired properties and they are adjoining to each other. The claimant has deposed that their village Bhakharvad has road, electricity, water supply, Bank, hospital, school, residential societies, milk society, telephone and factoories of diamond and that state Highway and National Highway of Junagadh-Veraval-Somnath road is passing nearby from their

village. The railway line is at a distance of 12 K.m. from their village and the railway station is Maliya-Hatina. The claimant has also produce the certified copy vide Ex. 16 of Land Reference case no.191/2008(main) of Veraval Senior Civil court delivered on 11-4-2016 for same village and same project and same award case no.9/2004. The claimant has further deposed that at the time of filing references applications by mistake they were not claim compensation for open land but they are now claiming Rs.200/-Sq.mtrs Lastly, claimant has deposed that, they are entitled to get a sum of Rs. 2604/- per sq. Mtrs. For their acquired residential construction and 154/- per sq.Mtr.for lands as per judgment of vide Ex.16.

He was cross examined by Ld. A.G.P Mr.B.D.Mori appearing on behalf of opponents. During his cross examination, he has admitted that, the land acquisition Officer passed the Award after taking into consideration the sale prices of last five years and also payment was made. He admitted that they were taking luggages from houses and then after possession of Hosues were handed over to Goverment.Our new Gamtal has made.

[11] Claimants have produce witeness Dhirubhai Kanabhai Vide Ex.17 he desposed that his property was acquired for the same project by same L A Q no. 9/2004.He further desposed that he and other

claimants had filed LRC no.191 to 243/2008 in Veraval Sr.Civil Court and Hon'ble Court has awarded Rs.2604/- per sq.Mtrs for residential construction and Rs.154/- per Sq.Mtrs for open land,copy of said judgment is produce at Ex.16 in this case.The opponent has accepted the said judgment and deposited the compensation amount as per said Judgment in the reference court.He further desposed that all properties acquired by LAQ NO.9/2004 were of the same type and neighbouring to the each other and he regularly visited the acquired lands and have full knowledge of the all acquired lands.The properties of these cases are of the same nature and kind as comarable properties acquired in the Judgments produced vide Ex.16.

In his cross examination, he has admitted that, he was applicant of Land reference case and land reference case was disposed off in year 2016. Awrdded amount approximate Rs.2600/-per sq.Mtrs. In old Bhakharvad village till date no road work has done. Bhakharvad is far away from Maliya. Witness Voluntarily stated that 10 K.M. Away. No any Industries surrounding of 10 K.M of his Village. There is difference between price of raw houses and well consructed houses.

[11-A] The opponents have passed their closing pursis vide Ex.20 stating therein that they have no objection to delivered judgment as per Judgment vide

Ex.16.

[12] Having heard the Ld. advocates for the parties as well as perusing the documentary as well as oral evidence available on record, it is an admitted fact that the lands and residential construction of the claimants situated in Village Bhakharvad, Ta. Maliya-Hatina, Dist.Junagadh were acquired for the purpose of construction of Bhakaharvad Punah Prabharan yojna by the Sp. Land Acquisition Officer, Junagadh, and for the purpose of acquisition of said Gamtal propeties, the Notification under Sec.4 of the Act was published in the Government Gazette on 10/03/2005, and thereafter, After serving notices under Sec.9 of the Act for hearing the claimants, the Special Land Acquisition Officer had declared his award on 28/11/2007 in Land Acquisition compensation case No. 9/2004 under Sec.11 of the Act awarding the compensation. That the claimants being dissatisfied with the compensation awarded to them by the Land Acquisition Officer, they have filed the present reference cases for enhancement of compensation to the extent of Rs.3000/- per Sq. Mtr.for residential Construction.

[13.1] According to the claimants, the compensation awarded to them by the Special Land Acquisition Officer is not just, fair and

reasonable. It is alleged by the claimants that the compensation in respect to their acquired residetial houses awarded to them by the opponent are totally inadequate, were too meager and unreasonable and against the facts and principles laid down under the Act and thus, committed grave error in passing the award. The construction of their houses is very pakka and of high quality and in a position so as to use the same upto 125 years and more; the Sp. Land Acquisition Officer, in his award, analyzed the properties by referring L.O.R. on the basis of valuation statement and accordingly awarded the compensation which is false and illegal and so called valuation statement is not within their knowledge and the estimate is inadequate and false and the same is not admitted to the claimants.

[13.2] It is further submitted that,lands of same village of Bhakharvad were acquired for the same project namely "BHAKHARVAD PUNAH PRABHARAN YOJNA" and notification u/s.4 of the L.A.Act was published on 18-2-2005.The Ld.2nd Additional Senior Civil judge of Veraval in L.R.C No.191 to 243 of 2008 has determined the market value at the rate of Rs.2604 per sq.mtr.for residential construction and Rs.154 per sq.mtr.for open lands by its judgment dt.11-4-2016.In view of the above award Ex.16 of the same village Bhakharvad,compensation at Rs.2604 per sq.mtr for residential construction and Rs.154 per

sq.mtr for open lands may be awarded in this case also, as the notification of u/s.4 was published on 18-2-2005. Since the market price of village Bhakaharvad is decided by Reference Court and confirmed and accepted by the opponents-Government, and as there is no difference in the year in which Sec.4 notification was published. in view of settled legal position, same market price Rs.2604/- per sq.mtr for residential construction and Rs.154 per sq.mtr. For open land With additional compensation U/s. 23(1)(a) @ 12% p.a. On the market value from the date of Notification U/s. 4 of the Act till the date of Award of the Land Acquisition Officer or from the date of taking over possession of land, whichever is earlier and solatium u/S. 23(2) of the Land Acquisition Act, 1894 @ 30% on market value of the acquired lands. Therefore, the award passed by the Ld. Trial Court in above mentioned L.R. Cases can be taken into consideration for ascertaining the actual market value of present acquired lands and residential construction.

[13.3] Here in this case, as discussed above, the Residential construction of above Awards and Judgment of same Village Bhakharvad and therefore, the previous Award and Judgment of same Village Bhakharvad can be taken into consideration for fixing the just and reasonable market value of the present acquired Residential constructions. As

decided by the Hon'ble High Court of Gujarat in one pronouncement in case of Second **Addl. Sp. Lands Acquisition Officer & Anr. Vs. chunilal Gangaram & Ors. reported in 1999(2) GLR 1357** that *"one previous Judgment in respect of the lands situated in same Village having Gram Panchayat and same simada, reference Court has not committed any error in relying on the previous Judgment pertaining to lands of same Village and acquired for the same project."* Claimants relied on the judgment vide Ex.16, no other evidence produce by both side.Ld.A.G.P filed closing pursis, stating therein that The Government has accepted award (Ex.16) he has no objection if in these cases award will be passed as per award of main Land Reference case no.191/08(vide Ex.16) and filed closing pursis. No other evidence produce by both side except Judgment vide Ex.16, so this court has no option to relied on this Judgment vide Ex.16.

[13.4] Here, in this case the acquired lands/Residetial construction of cited case were acquired for construction of "BHAKHARVAD PUNAH PRABHARAN YOJNA" and present residetial houses are acquired for construction of "BHAKHARVAD PUNAH PRABHARAN YOJNA" and going through the record of case, it appears that the acquired residetial construction under Ex.16 and the acquired residential consruction of present case are of same

village, acquired for same project and acquired by same award case, therefore, the judgment produced vide Ex. 16 can be looked into for the purpose of fixing the actual market price of acquired residential consruction(Gamtal) of village Bhakharvad. In the above referred judgment, the notification under Sec.4 of Act were published on Dt.10/3/2005 whereas, in the present case, the notification under Sec.4 of Act were publised on Dt. 10/3/2005. So, in that way, there is no differential span between the publication of two Notifications. So, looking to the Judgment of Village Bhakharvad,Ta:Maliya-Hatina, Dist: Junagadh in Land Reference Case No.191/08 produced at Exh.16 relied upon by the claimants, wherein the Hon'ble Court has awarded an actual compensation at the rate of Rs. 2604/-per Sq. mtr. for residential construction/Houses and Rs.154/- for the acquired open lands/plot of Village Bhakahrvad, and there is no differential span between notification u/s.4 of both cases. Claimant has stated in his examination in chief vide Ex.17 that at the time of filing references applications by mistake they were not claim compensation for open land but they are now claiming Rs.200/-Sq.mtrs. But here in these present cases claimants have not claim for compensation of open plots/lands. On perusal of awrard u/s.11 of the Act, it transpires that Plots are being allocated for houses in new Gamtal instead of old Gamtal, so there

is no need to pay compensation for the land. Ld.Advocate has submitted that court can grant higher compensation than claimed by the claimant. In support of his submission he relied on the Judgment of Hon'ble Supreme court **Ashok Kumar & Others V/s. State of Haryana Reported in (2016)4 S.C.C 544**. But In these Land references cases claimants have not claim for compensation of open lands and also as per award Plots are being allocated for houses in new Gamtal instead of old Gamtal. So as per my humble view claimants are not entitled for compensations for lands/plots. Here in the present references, the claimants have claimed the compensation of their acquired Construction of houses at the rate of Rs.3000/- per sq.mtr which is on higher side. So, I am of the view that if an actual amount of compensation at the rate of Rs.2604/- per Sq.Mtr instead of Rs.3000/-per Sq.Mtr is awarded to the claimants, then it will meet the end of justice. So, an actual market price of the acquired construction of houses of all claimants are fixed at Rs.2604/- per Sq.Mtr.

[13.5] As per the provision of Sec.23(2) of the Land Acquisition Act, the claimants are entitled to 30% Solatium which is already paid by the State to the claimant on the awarded amount. Therefore, the claimants are entitled to solatium charges on the actual market price of the acquired lands at the

rate of 30%. It is also noted that Sec.23 is amended and hence as per Sec.23(1-A), the amount shall be calculated at the rate of 12% p.a. on the market value for the period commencing from the date of publication of Notification under Sec.4(1) of the Act. Hence, the claimants are entitled for an additional amount of compensation at the rate of 12% p.a.under Sec.23(2) and Sec.23(1-A). The claimants are also entitled to get additional compensation at the rate of 9% p.a. from the date of taking possession or from the date of issuing Notification under Sec.4 of the Act whichever is earlier for the first year and thereafter at the rate of 15% p.a.till realization of the amount payable under Sec.28 of the Act. In the case of **Sunder Vs. Union of India reported in 2001(3) GLH 446**, it has been held that "if such compensation" is not paid within the date of taking possession of the lands, the interest is payable on aggregate amount of compensation including Solatium. So, in view of the judgment of Hon'ble Apex Court, the claimants are also entitled to interest on solatium as well under Sec.28 of the Act. Thus, the claimants are entitled to interest on solatium and also entitled to get interest on the aggregate amount including solatium. Hence, I decide issue nos. 1 & 2 accordingly.

ISSUE NO.3

[14] Now with regard to the period of limitation, the legal position of Section Sec.18(2)

of the L.A. Act as under :

"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 6 weeks from the date of collector's award.

(b) In other cases, within 6 weeks of the receipt of the notice from the collector, U/s. 12, or within 6 months from the date of the collector's award, whichever period shall expire first.

[15] Now keeping in mind the above legal position, In the present case, the notice under sec.12(2) is not produced in these cases. Opponents are not proved that claimants present or represent when awards was made. Hence claimants the land owner neither present nor represent when award made. In fact, the limitation starts from the date when the claimants actually or constructively know about the contents of award. Hence application was filed within six Month from date of Knowledge of award. Looking to the date of award, the award was passed on dated 28/11/2007 whereas the present reference is filed on dated 25/3/2008. Thus, present reference is filed within the prescribed period of six month from the date of award. Therefore, I decide **issue no.3 in affirmative.**

ISSUE NO.4

[16] The property acquired under L.A.Q, No.9/2004 is of the village Bhakharvad Ta.Maliya-Hatina, Distt.Junagadh and the jurisdiction for the matters of properties of Maliya Hatina falling within the jurisdiction of the Ld. Senior Civil Judge lies with this Court. The Special Land Acquisition Officer had made reference and it was registered with the Hon'ble Principal Senior Civil Court, Veraval and later on the said references are being transferred by the administrative orders to this Court and therefore this Court is having jurisdiction to entertain, try and dispose off these applications for references. In Land Acquisition Act Hon'ble District Judge has Jurisdiction to decide the references application, but Hon'ble High Court delegated power to Senior Civil Court. In view of the above discussions and reasons assigned by me, I hold that this Court has jurisdiction to entertain, try and dispose off these applications. Hence, I answer the **Issue No.4 in Affirmative.**

[17] In view of above discussions made in Issue Nos.1,2,3 & 4, I pass following final order in the interest of justice in respect to Issue No.5:

: ORDER:

1. The present Land Reference Cases are hereby partly allowed.

2. The claimants are entitled to get an actual market price of their acquired Residential Construction at the rate of Rs.2604/- per Sq.Mtr.with interest on the aggregate amount of acquired lands at the rate of 9% p.a. from date of taking possession till one year, and thereafter, at the rate of 15% p.a.till realization.
3. The claimants are also entitled for additional compensation at the rate of 12% p.a.under Sec.23(1-A) and 30% solatium under Sec.23(2) of the Land Acquisition Act, with interest @ 9% p.a. from the date of taking over possession till one year, and thereafter, @ 15% p.a. till realization of the amount payable under Sec.28 of the Act.
4. The amount of compensation awarded and already paid by the special Land Acquisition officer to the claimants shall be deducted from the amount of compensation as determined by this court.
5. The statement of calculation attached with this Judgment shall form part and parcel of this Judgment.
6. Copy of this judgment and Award be placed in

all the above Land Reference Cases.

7. Award be drawn-up accordingly.

Signed and pronounced in the open Court to-day
on this 7th day of December, 2018.

Keshod.

Date : 07/12/2018

(R.A. Zala)

Principal Sr. Civil Judge
& A.C.J.M., Keshod.

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