

**Order below Exh.1**

Heard the learned D.G.P. Shri J.G.Patel. Perused the record of the present reference. Learned D.G.P. has filed a pursis vide Exh.33 & 34 declaring that the Award under Section 11 of the old Land Acquisition Act, 1894 was passed by the Land Acquisition Officer on 18/01/2015 and the present reference is filed under Section 18 of the said old Land Acquisition Act. The learned D.G.P. submitted that in the present reference, Award is drawn after 1st January, 2014 therefore, it is not tenable in the present Court because a new Act namely "Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013" has come into force from 1st January 2014 and from that onwards the old Act 'The Land Acquisiton Act' of 1894 is repealed. Therefore, when the Award passed after 1st January, 2014 under Section 11 of the old Act is improper and invalid. So, this Reference filed under Section 18 is not tenable in the eyes of law. Hence, the Reference should be returned to the concerned Land Acquisition Officer to

pass appropriate award in accordance with New Act of 2013 and the said L.A.R. would be filed under the Section 64 of the new established Act of 2013.

No any submission is made by the applicant's advocate. Heard the learned D.G.P. and read the pursis vide Exh-33 & 34 declared by the learned D.G.P. The present reference is preferred by the Land Acquisition Officer under Section 18 of the Land Acquisition Act, 1894 and the award has been passed for the said reference under Section 11 on Dt:18/01/2015 Now, considering the provisions of the new Act namely "Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013". According to this Act, the award should be passed under Section 24 and the Reference should be filed under Section 64 and the present Act of 2013 came into force on 01.01.2014 onwards. This Court had the occasion to deal with the ratio laid down in the order passed by Hon'ble High Court of Gujarat in Special Civil Application No.6691/2017. The same issue has already been decided by Hon'ble Mr.Justice Akil Kureshi in the said Special Civil Application No.6691/2017 and the order has been passed by the

Honourable High Court to return such kind of L.A. References for the appropriate award under Section 24 of the New Act of 2013. Therefore, according to above discussion, following order is passed:

**ORDER**

It is hereby ordered to return the present reference to the concerned Special Land Acquisition Officer to pass appropriate award under the new established Act namely "Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013".

Pronounced in open Court today on 10/02/2018.

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|----------------|-------------------------------------------|
| Date:          | <b>[YUNUS AHMED IQBAL HUSSAIN SHAIKH]</b> |
| 10/02/2018     | Principal Senior Civil Judge,             |
| Place: Shahera | Shahera                                   |
|                | [Code No. GJ-00967]                       |