

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1756 of 2024**

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PATEL RAJESHBHAI CHATURBHAI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR N V RAVAL(11267) for the Petitioner(s) No. 1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,3,4,5,6,7,8,9

MR VIJAY N RAVAL(2025) for the Petitioner(s) No. 1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,3,4,5,6,7,8,9

MS HETAL PATEL, AGP for the Respondent(s) No. 1

MR UM SHASTRI(830) for the Respondent(s) No. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 28/11/2024

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. The petitioners herein are aggrieved by the fact of construction of panchayat road over their agricultural lands without adopting due process of law, i.e. the acquisition made in accordance with the provisions of the relevant Act.
2. Pursuant to the order dated 03.07.2024 passed by this Court, an affidavit dated 30.09.2024 has been filed on behalf of respondent no.3 viz. Executive Engineer, Road & Building Department (Panchayat Division), District Panchayat Office, Godhra at Panchmahal to the effect

that the petitioners are owners of the land which have been used for construction of Aniyad Titaji-na-Muvada Road.

3. The possession of the respective portion of the petitioners' land have been taken away for public purpose of construction of road in the year 2012 without following the due process of law. In the year 2012 itself, the authority has written a letter to the DILR Godhra and requested for joint measurement for the purpose of acquisition of private lands of village Aniyad, Tal. Shera, District Panchmahal for the purpose of construction of the aforesaid road.
4. The idea of sending the said communication was to initiate acquisition proceedings. However, the road has been constructed over some portion of the land of the petitioners and after 25.10.2023, on receipt of legal notice from the petitioners' advocate regarding payment of compensation, a letter dated 02.03.2024 was written by respondent no.3 to the DILR, Godhra at Panchmahal requesting for joint measurement of the land in question.
5. The joint measurement sheet prepared by the DILR was received by the office of the respondent no.3. Though it is not stated in the affidavit that joint measurement was made in the presence of all the contesting parties, however, it is submitted by the learned counsel for the respondent District panchayat that all were present in the joint measurement exercise. Further, it is stated that a proposal for acquisition was forwarded on

05.09.2024 to the Collector, Panchmahal for necessary procedure. It is also stated in the affidavit of the respondent no.3 that as soon as the award of the land in question is received, the entire compensation amount would be deposited with the respondent no.2, viz. the Special Land Acquisition Officer without any further delay.

6. Having noticed the above, we require the learned Assistant Government Pleader Ms. Hetal Patel appearing on behalf of the State respondents to seek instructions from the office of the Collector about the progress made in the matter of acquisition of the land in question submitted with the proposal dated 05.09.2024 by the respondent no.3.

As prayed put up this matter on 19.12.2024.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

BIJOY B. PILLAI