

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1300 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 1756 of 2024**

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RATHVA MOHANBHAI RUPABHAI & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR N V RAVAL(11267) for the Petitioner(s) No.****1,10,11,12,13,14,15,2,3,4,5,6,7,8,9****MR VIJAY N RAVAL(2025) for the Petitioner(s) No.****1,10,11,12,13,14,15,2,3,4,5,6,7,8,9****MS.HETAL PATEL, ASST.GOVERNMENT PLEADER/PP for the Respondent(s) No. 1****MR UM SHASTRI(830) for the Respondent(s) No. 3,5**

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL****and****HONOURABLE MR.JUSTICE D.N.RAY****Date : 26/02/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. Mr. Vijay Raval, learned advocate for the petitioners in the above noted two writ petitions would submit that the land acquisition proceedings for acquisition of the subject land were initiated under the orders passed by this Court wherein it was found that the petitioners' land had been taken away for the construction of road in the year 2012 by the R & B Department of the District Panchayat, Godhara at Panchmahal, without adopting due process of law. The order dated 28.11.2024 records that the joint measurement sheet

was prepared by the District Inspector of Land Records (DILR) on 05.06.2024 in the presence of all the contesting parties. The notifications for the acquisition of the lands in question were issued under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the Act' 2013) and now, separate awards dated 05.02.2026 have been published with respect to the subject lands in the above noted two writ petitions. However, while computing the benefits of the Act' 2013 under the award, the statutory interest under Section 80 of the Act' 2013 has been denied.

2. The learned counsel for the petitioners would submit that the Special Land Acquisition Officer in a cryptic manner has rejected the claim for award of interest under Section 80 of the Act' 2013 by saying that the possession has not been taken.

3. The undisputed fact is that the land in question was utilized by the Roads and Building Department, District Panchayat without conducting any acquisition proceedings. There is an admission in the affidavit of the Executive Engineer, Roads and Building Department, District Panchayat, Godhara filed in one of the aforesaid writ petition (Special Civil Application No. 1300 of 2024), that the petitioners are the owners of the lands which have been used for construction of Shivrajpura - Dholimar - Zalariya - Kesharpur road. On 06.02.2012, the authority wrote a letter to the DILR, Godhara requesting for joint measurement with regard to the acquisition of the private land of Village: Shivrajpura, for the purpose of construction of the aforesaid road.

4. It, therefore, does not lie in the mouth of the Special Land Acquisition Officer to say or even mention in the award that the possession had not been taken and hence, interest under Section 80 of the Act' 2013 was not payable.

5. We may note that, in a bunch of writ petitions with the leading being Special Civil Application No.16200 of 2024, wherein this Court was seized with the matter of denial of statutory interest under Section 80 of the Act' 2013, in the awards made after enforcement of 2013 Act with effect from 01.01.2014, on the directions issued in the order dated 02.12.2024, the Revenue Department of the State has come out with the Government Resolution No. *RD / LAQ / e-file / 15 / 2024 / 5286 / GH* dated 02.01.2025, which reads as under:-

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To pay interest as per provisions of Section-80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

**Government of Gujarat
Revenue Department
Circular No. RD/LAQ/e-file/15/2024/5286/GH
Sachivalay, Gandhinagar
Date: 02/01/2025**

Preamble:-

As the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is in force at present w.e.f. 01/01/2014, land acquisition is carried out under the said Act. Provision is made in Section-80 of this Act that from the date of possession till non-payment of compensation, interest at the rate of nine per cent shall be payable for the first year and thereafter, interest at the rate of fifteen per cent per annum shall be paid per year until the payment of compensation. Considering the fact that provision is made in the said act regarding not

taking advance possession, the following instructions are circulated.

Circular:-

- 1. Considering the provision of Section-38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Collector/ Land Acquisition Officer shall make sure that the possession of land under acquisition shall be taken only after the procedure of land acquisition is over and only after the entire amount of compensation is paid to the tenure holder.*
- 2. Before undertaking acquisition procedure under the said Act - 2013, the Acquiring Institute shall not take possession of the land under acquisition from the tenure holder.*
- 3. If the possession of the land under acquisition has been taken before 01/01/2014 before the said Act - 2013 came into force and if land acquisition procedure has been carried out under the said Act - 2013, then provision of Section-80 shall be applicable in such cases.*
- 4. In cases wherein land acquisition procedure has been carried out after taking advance possession of the land after the said Act - 2013 came into force, then also the provision of Section-80 shall be applicable.*
- 5. As per provision of Section - 80 of the said Act - 2013, from the date of possession till non-payment of compensation, interest at the rate of nine per cent shall be payable for the first year and thereafter, simple interest at the rate of fifteen per cent per annum shall be paid until the payment of compensation.*
- 6. In the cases wherein land acquisition procedure has been carried out as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the provisions of Resolution No. LAQ/1084/525/Gh, dated 18/06/1986 of the Revenue Department, shall not be applicable.*

By order and in the name of the Governor of Gujarat.

*Sd/-
(Prerak Patel)
Deputy Secretary
Revenue Department,
Government of Gujarat.*

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- 6. The decision of the State Government notified by the Government resolution dated 02.01.2026 to grant interest under Section 80 in the acquisition made under the 2013 Act,*

has been completely ignored while making award dated 05.02.2026, with respect to the lands in question, possession of which was taken in the year 2012 by the Roads and Building Department of the District Panchayat, Godhara at Panchmahal, without adopting due process of law.

7. We, therefore, require the learned Assistant Government Pleader appearing for the State respondents to answer as to why a direction be not issued to pass an additional award for computing the statutory interest under Section 80 of the Act' 2013 on the compensation determined under the award dated 05.02.2026; and further why the Court may not take exception to the illegal action of the Special Land Acquisition Officer in denying interest contrary to the statutory provision, reiterated by the State Government in the Government Resolution Dated 02.01.2025.

As prayed, the matters are posted on **09.03.2026**.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SAHIL SAMIULLA RANGER(HC01898), PRIVATE SECRETARY, at High Court of Gujarat on 03/03/2026 14:52:02