

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2839 of 2019**

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MOHAMMADBHAI PIRABHAI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR SP MAJMUDAR(3456) for the Petitioner(s) No. 1,1.1,1.2,1.3,2,3,4,5,6,7
 YAGNESHKUMAR S JOSHI(8074) for the Petitioner(s) No. 1,1.1,1.2,1.3,2,3,4
 MS. MAITHILI MEHTA, AGP for the Respondent(s) No. 1,2,3

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
 SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE D.N. RAY

Date : 28/04/2026

ORAL ORDER

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

1. Mr.S.P.Majmudar, learned advocate for the petitioners, at the outset, would submit that the petitioners have instructed him not to press the prayer 21(A) of the petition and as such challenge to the order dated 04.05.1994 passed by the Special Land Acquisition Officer, Narmada Yojna Ekam-10, Ahmedabad is given up. However, on the prayer 21(B) of the writ petition, it is an admitted fact of the matter that the lands in question is in the possession of the respondents-authorities and the contention of the petitioners to challenge the acquisition process has already been given up.

2. The only prayer, thus, remains in prayer clause 21(B) is about the claim of the petitioners about enhanced compensation for the land in question as per the Reference Court award dated 27.02.2002 in Land Acquisition Reference Case No. 682 of 1995 passed by the learned 2nd Extra Assistant Judge & Special Judge (L.A.R), Ahmedabad (Rural). It is sought to be submitted by the learned Counsel for the petitioners that the compensation as determined by the Reference Court has not been disbursed to the petitioners herein raising a dispute as to the entitlement of the petitioners, saying that one Karimbhai Pirabhai who was a signatory of the reference application was not the owner of the lands in question and that the Reference Application itself was filed in a illegal manner.

3. The submission is that this objection cannot be taken to pay enhanced compensation when there is no proper challenge to the award dated 27.02.2002 passed by the Reference Court in LAR Case No. 682 of 1995. By means of the additional affidavit filed by the petitioners, it is sought to be submitted that in a misconceived litigation brought by the State, a Civil Suit No.286 of 2007 had been filed seeking for

setting aside the Reference Court award, which has been dismissed vide judgment and order dated 03.12.2016. The State then preferred a First Appeal No.12404 of 2019 along with the delay condonation application challenging the judgment and decree dated 03.12.2016. The whole case of the State in the Special Civil Suit filed in the year 2007 is that the name of the petitioner No.5- Abdulbhai Rasulbhai Momin is wrongly shown as Abdulbhai Pirabhai and the name of the petitioner No.7 Ahmadbhai Nabinbhai is wrongly shown as Mahammadbhai Nabibhai.

4. Be that as it may, considering the submissions of the learned Counsel for the petitioners, pertinent is to note that the present petition has been filed by seven persons, one of whom namely petitioner No.1-Mohammadbhai Pirabhai has died during the pendency of the writ petition and his heirs have been brought on record as petitioner No.1.1, 1.2 and 1.3. However, there is absolutely no disclosure in the writ petition as to the right, title or interest of the petitioners in the lands in question, with respect to which the Reference Court Award has been passed. The statement in paragraph No.4 of the writ petition that the petitioners are the owners of

the lands bearing Revenue Survey No.983 admeasuring 1-91-03 Hec.Are-Sq.mtrs. situated at Village Sanathal, Taluka Sanand, Dist. Ahmedabad is bereft of any material on record.

5. Taking note of the above, it is difficult for us to grant prayer 21(B) pressed into service by the learned Counsel for the petitioners herein.

6. However, at this stage, learned advocate appearing for the petitioners prays for and is granted two weeks time to file additional affidavit of the petitioners to bring on record the relevant documents to establish right, title and interest of the petitioners herein including the heirs of the petitioner No.1, who claim to be owners of the lands in question. The complete description of the original owners, the pedigree of the petitioners and the description as to how they have acquired right, title and interest in the lands in question, shall be clearly stated in the additional affidavit to be filed under this order, failing which the present petition shall stand dismissed.

As prayed, put up this matter on 23rd June, 2026 at 1.00 p.m.

(SUNITA AGARWAL, CJ)

BINA SHAH

(D.N.RAY,J)