

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2414 of 2026**

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MARIYAMBEN YUSUFBHAI MASTER

Versus

SPECIAL LAND ACQUISITION OFFICER & ANR.

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Appearance:

MR VICKY B MEHTA(5422) for the Petitioner(s) No. 1

MS HETAL PATEL, AGP for the Respondent(s) No. 1,2

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

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 24/03/2026

ORAL JUDGMENT

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

1. Heard Ms. Neha J. Ladhani, learned advocate holding the brief of Mr. Vicky B. Mehta, learned counsel for the petitioner and Ms. Hetal Patel, learned Assistant Government Pleader appearing for the State respondents.
2. By means of the present petition, the petitioner herein seeks to challenge the Corrigendum notification dated 03.06.2008 published on 10.06.2008 on the premise that only an area of 538 sq. mtrs. of the land bearing Survey No. 157/1 of village Telav, Taluka Sanand, District Ahmedabad had been acquired by way of the acquisition notifications dated 07.09.2007 and 25.01.2008 under Sections 4 and 6; respectively, of the Land Acquisition Act, 1894 (hereinafter referred to as the "Act' 1894").

3. The contention in the writ petition is that in the original acquisition notifications, only an area of 538 sq. mtrs. of Revenue Survey No. 157/1 was acquired. However, by way of corrigendum, the area was increased from 538 sq. mtrs. to 5777 sq. mts. The contention is that on 03.05.2008, the petitioner made a representation before the respondent no.1 pointing out discrepancy in the acquisition of the land in question, inasmuch as, the total land acquired under the notifications under Section 4 and Section 6 was merely 538 sq. mtrs., however, in the mutation entry no. 2820, the area of land in question admeasuring 5777 sq. mtrs. was shown to have been acquired.
4. It is contended that inspite of the representation moved by the petitioner, discrepancy in the measurement was not cleared and a mutation entry no. 3315 came to be recorded showing the total acquired land as 5777 sq. mtrs. Another representation dated 04.03.2009 was thereafter made, but nothing was done. Again on 28.02.2017, the petitioner filed a representation before the respondent no.1 when error was not rectified. In reply thereto, on 06.07.2023, respondent no.1 had directed the petitioner to get a measurement done from the DILR office.
5. On 07.12.2013, measurement was done and in the rojkam, it was found that instead of 538 sq. mtrs., 847 sq. mtrs. of land was acquired. The entire record of measurement along with the rojkam was sent to the

office of the respondent for correction in the revenue records. The petitioner also prayed for payment of compensation for the additional area of the acquired land.

6. The submission is that an award dated 05.09.2009 in LAQ Case No. 5 of 2007, however, was passed wherein total acquired area of Revenue Survey No. 157/1 was shown as 5777 sq. mtrs. The petitioner, therefore, made a request to release the rest of the area of 4930 sq. mtrs. from the acquisition proceedings by making a representation dated 15.05.2025, reminder to which was sent through his advocate on 29.08.2025.
7. Referring to the averments made in the writ petition and the communication dated 15.05.2025, allegedly issued by the Executive Engineer, R & B Department, at page '39' of the paper book, it is submitted by the learned counsel for the petitioner that even the Executive Engineer, R & B Division, respondent no.2 herein wrote to the petitioner that there the area of 4930 sq. mtrs. of the land in question is required to be released.
8. The prayers in the writ petition are, thus, pressed with the aforesaid averments to submit that the corrigendum dated 03.06.2008 is required to be quashed and the land admeasuring 4930 sq. mtrs. of Revenue Survey No. 157/1, is required to be released from acquisition, and resultant revenue records are to be corrected.

9. Testing the contentions made in the writ petition and the the submissions made by the learned counsel appearing for the petitioner on the basis of the communication at page '39' of the paper book, suffice it to note that the acquisition proceedings with respect to the land in question had been concluded with the making of the award dated 05.09.2009 in LAQ Case No. 5 of 2007.
10. As per the own statement made in the writ petition, the award refers to the acquired area of the land in question being 5777 sq. mtrs. As regards the area mentioned in the acquisition notifications dated 07.09.2007 and 25.01.2008 under Sections 4 and 6; respectively, of the Act' 1894, we may only refer to the corrigendum dated 03.06.2008, which is published in the official gazette on 10.06.2008. The corrigendum records that the area of two plots, viz. Survey Nos. 157/1 and 157/2 were wrongly mentioned in the acquisition notifications under Sections 4 and 6 of the Act' 1894 and it was accordingly, interchanged and corrected.
11. The resultant effect is that the acquired area of Survey No. 157/1, which was initially shown in the acquisition notification as 538 sq. mtrs., came to be notified as 5777 sq. mtrs. Whereas for Survey No. 157/2, the area which was shown mistakenly as 5777 sq. mtrs. in the acquisition notification was corrected as 538 sq. mtrs.
12. The correction in the description of the area of two plots acquired by the notifications under Sections 4 and 6 was

made at the relevant point of time, by undertaking the process of publication of the corrigendum notification in the official gazette, itself. No exception, even otherwise, has been taken to the said proceedings drawn by the State Government.

13. With the issuance of the corrigendum dated 03.06.2008 in the official gazette dated 10.06.2008, the mistake in the area of the aforesaid two plots stood corrected in the acquisition notifications under Sections 4 and 6 of the Act' 1894. The award dated 05.09.2009 in LAQ Case No. 5 of 2007 is also in line with the aforesaid notifications. There is complete silence in the body of the writ petition about the receipt of compensation under the award dated 05.09.2009 pertaining to the land in question. The averments in paragraph no. 13(E) which is part of the legal grounds that the petitioner has not accepted the award and has not withdrawn the money in the award, is neither here nor there.
14. Ms. Hetal Patel, learned Assistant Government Pleader for the State respondents, during the course of argument would submit that the petitioner not only received the compensation, but also filed a reference under Section 18 of the Act' 1894, which has been decided vide judgment and order dated 31.12.2024 by the Additional Senior Civil Judge of the Civil Court concerned.

15. In view of the above, both the reliefs as prayed for in the present writ petition of quashing of the Corrigendum notification dated 10.06.2008 and for release of the area of 4930 sq. mtrs. of the land in question, on the premise of the same having been acquired without proper acquisition proceedings, cannot be granted.
16. The present writ petition is accordingly, dismissed being devoid of merits. No order as to costs.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI