

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3364 of 2026**

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AMRATLAL ISHWARLAL PATEL

Versus

DIRECTOR (ENGINEERING) RAILWAY BOARD & ORS.

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Appearance:

MR.AMRATLAL ISHWARLAL PATEL AS PARTY IN PERSON(5000)
for the Petitioner(s) No. 1

MR.SANJAY UDHWANI, ASST.GOVERNMENT PLEADER for the
Respondent(s) No. 5,6,7

MRS KRISHNA G RAWAL(1315) for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 23/03/2026

ORAL JUDGMENT

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

1. Heard Mr.Amratlal Ishwarlal Patel, the petitioner, appearing as a party-in-person and Mrs.Krishna G. Rawal, the learned advocate appearing for the respondent Railways.

2. The present petition has been filed with the following prayers:

“A) Your Lordships may be pleased to admit and allow this petition;

B) Your Lordships may be pleased to please gear up a case at all levels/ offices on Top Priority basis, as being a party in person, is a Senior Citizen, who like to see the consequences of the case in person in his life.

C) Your Lordships may be pleased to issue an orders to Secretary Department of Revenue Government of Gujarat Gandhinagar, Gujarat State for quashing of the land Acquisition proceedings of LAQ No.4724 (page no.3 of 3060) dated 22.8.1961 Published on 23.11.1961.

D) Your Lordships may be pleased to issue an order for cancellation of court order No.LB/R1-A No.226-227-228 of 2009 issued by the Hon'ble Collector District Ahmedabad on account of the delay and for non utilization of acquired land within stipulated period of time and the change of the purpose is not permissible,

E) Your Lordships may be pleased to issue an order for cancellation of Revenue Entry No.10551 dated 8.11.2011 approved on dated 20.1.2012 by S.O. Kathwada, Ahmedabad;

F) Your Lordships may be pleased to issue an order for restoration of the ownership in L.R.S.No.506/1 in Favour of the farmer in acquired land under LAQ 4724.

G) Your Lordships may be pleased to grant such other and further relief that may be necessary fit and proper in the facts and circumstances of the case."

3. The petitioner herein aged about 84 years old claiming to be a retired Central Government pensioner seeks to raise a dispute with regard to the land bearing survey No.506/1-00-27-00 sq.mtrs of Village Chandkheda, Taluka Sabarmati (earlier known as Taluka Daskroi), District Ahmedabad.

4. The brief facts stated in the writ petition are that the petitioner herein is son of late Ishwarbhai Jesingbhai, who was the owner of Revenue survey Nos. 415 / 1, 434 / 2, 444 / 2, 444 / 3, 506 / 1, 641 / 2 of Village Chandkheda, Taluka Daskroi, District Ahmedabad. The petitioner has four brothers and one sister and two brothers, namely Babubhai Ishwarbhai Patel and Vasudev Ishwarbhai Patel have died and their wife and sons and daughters are residing in Ahmedabad City. None of the them, however, have been impleaded herein nor the petitioner claims to have been appearing on their behalf in representative capacity.

5. It is further stated that the petitioner's parents are not alive. The father of the petitioner, namely Ishwarbhai Jesingbhai Patel was the original tenureholder of the lands in question, namely Survey Nos.15 / 1, 434 / 2, 444 / 2, 444 / 3, 506 / 1, 641 / 2 of Village Chandkheda, Taluka Daskroi, District Ahmedabad and the petitioner claims to have inherited the said lands from their father.

6. It is contended in the writ petition itself that out of the aforesaid revenue survey numbers belonging to their father, the land of Revenue Survey No.506/1 (00-27-00 sq.mtrs) were acquired in a land acquisition proceedings conducted under the Land Acquisition Act' 1894 (in short as "the Act' 1894"), which has resulted in passing of the award dated 23.08.1961 in Land Acquisition Case No. 4724, published on 23.11.1961. The acquisition was for the public purposes for expansion of Sabarmati Township near old Railway Sabarmati Colony, near D-Cabin area, Sabarmati, Ahmedabad.

7. It is an admitted fact, as stated in paragraph No. '2.6' of the writ petition itself, that farmer had handed over his land on 30.11.1962 to the Divisional Railway Manager, Western Railway, Vadodara, who was incharge of the Western Railways, Ahmedabad. It is, however, contended in the same paragraph that the Railways has failed to utilize the subject land acquired within the stipulated period.

8. In a vague manner, it is further stated in paragraph No. '2.7' of the writ petition that the Divisional Railway Manager, Western Railways, Ahmedabad had taken over the charge of the acquired land from the Divisional Railway Manager,

Western Railways, Vadodara in the year 2003 though, the actual date of handing over / taking over of charge has not been mentioned by the Railways Authority.

9. The contention in paragraph No. '2.8' of the writ petition is that in all, w.e.f 30.11.1962 till 20.01.2012 (for net 49 years, 01 month and 20 days), the acquired land was lying unused, and remained recorded as 'Railway Waste Land' with the Divisional Railway Manager, Western Railway, Vadodara and Divisional Railway Manager, Western Railway, Ahmedabad.

10. It is also sought to be stated in the writ petition that the name of the father of the petitioner continued to remain in the revenue records and the entry No.3899 dated 27.06.1993 is sought to be proved by way of the Revenue forms Nos.7, 7A and 12 of the then Village Chandkheda, District Ahmedabad. The contention in the writ petition is that Village Talati of Chandkheda has entered the remark "*railway padtar (railway waste land)*" in the revenue records of Revenue survey No.506/1-00-27-00 sq.mtrs against the name of the father of the petitioner, namely Ishwarbhai Jesingbhai.

11. From the above noted statements made in the writ petition, atleast, it is evident that the land acquisition proceedings with respect to the land in question, namely Revenue survey No.506 / 1 admeasuring 00-27-00 sq.mtrs initiated under the Land Acquisition Act' 1894 had been culminated with the making of the award dated 22.08.1961, published on 23.11.1961, which was rendered in the name of the father of the petitioner at the relevant point of time.

12. On a query made by the Court, Mr.Amrutlal Ishwarlal Patel, the party-in-person would submit that his father had died some time in the year 1986. It is also an admitted fact of the matter that the possession of the acquired land had been handed over by the landowner, namely the father of the petitioner in the year 1962 itself and no dispute, whatsoever, had been raised during his entire lifetime about the acquisition in question. There is a complete silence about the compensation received by the landowner, namely the father of the petitioner during his lifetime.

13. The issue being raised in the present petition about the land in question lying unused as a 'railway waste land' with the Divisional Railway Manager, Western Railways, Ahmedabad is of no relevance. The reason being that the private land once acquired for the Railways under the Act' 1894 would vest with the appropriate government and there is no provision for divesting of such land, possession of which had been handed over to the acquiring body.

14. It is also admitted fact that as against the name of the father of the petitioner, who was the original owner, in the remark column, a long drawn entry of the land in question being "railway waste land (*railway padtar*)", in the revenue record.

15. The dispute seem to have arisen during the course of the proceedings conducted by the Ahmedabad Urban Development Authority, Ahmedabad under the Gujarat Town Planning and Urban Development Act, 1976 for the purposes

of Town Planning Scheme No.20, Chandkheda Kali, during which, it is stated that the final plot No.47 (net 269 sq.mtrs out of 384 sq.mtrs) was declared in the name of the father of the petitioner from the acquired land of Revenue survey No. 506/1 (00-27-00 sq.mtrs.). This statement made in paragraph No. '2.8' sub-para '4' of the writ petition cannot be appreciated for the simple reason that the entire area of revenue survey No.506 / 1, has not been indicated in the writ petition.

16. It seems that after the plan under the TP Scheme was prepared by AUDA, Ahmedabad, the petitioner started approaching AUDA for clarification and confirmation of the ownership of the said plot and it is sought to be stated in the writ petition that AUDA had shown the petitioner personally that the land bearing survey No. 506/1 (00-27-00 sq.mtrs) of Village Chandkheda, District Ahmedabad is still running in the name of the petitioner's father. It is stated that AUDA had confirmed allotment of Final plot No.47 area 269 sq.mtrs in the name of the original farmer.

17. From the statement in the writ petition, it seems that the petitioner started corresponding with the General Manager, Western Railways by writing RTI applications dated 20.09.2008 seeking for release of the land in question, on the premise that the final plot No.47 (net 269 sq.mtrs) was allotted by AUDA in the name of the father of the petitioner, namely Ishwarbhai Jesingbhai. Repeated correspondences were made between the petitioner and Railways between 2008 to 2005, which are appended as annexure 'F' to the writ petition.

18. It is further stated in paragraph No. '2.8 (8)' of the writ petition that suddenly Railways Authority had approached the office of the Collector, Ahmedabad and filed Civil Revision Appeal Case No.LB/RI-A-226-227-228 of 2009 to enter the name of 'Western Railways' as owner of the acquired land, namely revenue survey No. 506/1 (00-27-00 sq.mtrs) after a lapse of 48 years.

19. The Collector had passed an order dated 26.04.2011 finalizing the matter in favour of the Divisional Railways Manager, Western Railway, Ahmedabad and on receipt of the said order, it became clear that the name of Western Railways as owner of the land in question had been entered only on 08.11.2011 vide revenue entry No.10551, which was approved on 20.01.2012.

20. It is, thus, contended that for the entire period from 30.11.1962 to 20.01.2012, the acquired land which has remained unused lying idle as a railway waste land, continued in the name of the original owner, namely Ishwarbhai Jesingbhai, and after a period of 49 years 01 month and 20 days the name of the owner was expunged from the revenue records by making entry of the name of "Western Railways" in the revenue records.

21. It is further contended in the writ petition that the Divisional Railway Manager, Western Railways, Ahmedabad has changed the purpose of the acquired land from 'expansion of Sabarmati Township, i.e. Residential Purpose' to be used for 'extension and upgradation of railway lines / tracks.' This fact was accepted by the Divisional Railway Manager,

Western Railway, Ahmedabad in the letter No.W/338/1/encroachment dated 13.11.2025, a copy whereof is appended as Annexure 'I' to the writ petition.

22. The contention in the writ petition, thus, is that there are three reasons for the petitioner to approach this Court; firstly that the acquired land has remained unutilized for around 49 years, 01 month and 20 days; secondly that it remained in the name of the father of the petitioner, namely Ishwarbhai Jesingbhai; and thirdly that the purpose for which, it was originally acquired, has now been changed.

23. We may also note from paragraph No. '2.8 (11)' of the writ petition that the petitioner stated to have filed a regular Civil Suit No.405 of 2010 before the 5th Additional Senior Civil Judge, Gandhinagar, wherein temporary injunction application had been rejected vide order dated 21.09.2011. There is, however, a silence in the writ petition about the fate of the said suit. Mrs.Krishna Rawal, the learned advocate appearing for the respondent Railways would submit that the said suit has been dismissed for default in view of Order 17 Rule 2 of the CPC vide order dated 17.09.2021 passed by the 3rd Additional Civil Judge, Gandhinagar. A photocopy of the said order has also been supplied in the Court itself, which is taken on record.

24. In the crux, from the averments made in the writ petition, it is evident that:-

- i. The land acquisition proceedings with respect to the land in Revenue Survey No.506 / 1 admeasuring 00-

27-00 sq.mtrs of the original Village Chandkheda, taluka Sabarmati, District Ahmedabad had been brought to its logical end with the making of the award dated 22.08.1961 and handing over possession of the land in question by the original owner, namely the father of the petitioner in the year 1962, itself.

ii. In addition to the above, in the Revenue records of the land in question as against the name of the petitioner, in the remark column "*railway padtar (railway waste land)*" was recorded through out. The aforesaid facts are sufficient to say that the land in question did not remain in the ownership or possession of the father of the petitioner since after 1961 / 1962.

iii. The contention of the petitioner that the correction in the revenue entry by entering the name of the "Western Railways" in the column of ownership was made in the year 2011 - 2012, will not make any difference *insofar as* the status of the land in question acquired for Railways by conducting land acquisition proceedings culminated in the year 1961 / 1962 itself.

iv. The land in question continued to be in the ownership and possession of the Railways though there was no proper entry in the revenue records. Suffice it to say that the revenue entries are only for fiscal purposes and will not decide the right, title and interest of the person, whose name is recorded in the revenue records. Nothing turns on the fact that the name of the father of

the petitioner, i.e. the original owner continued in the revenue records upto the year 2012.

v. The assertion that AUDA has issued allotment letter with respect to the land in question by making allotment of Final plot No.47 in the year 1999 seems to be a result of the incomplete revenue entries, which has been corrected in the year 2012 itself.

vi. The petitioner has lost before the Civil Court with the dismissal of the Civil Suit filed with respect to the land in question in the year 2021, itself, though the interim injunction application had been rejected in the year 2011.

25. There is no reason for us to entertain the present petition in view of the facts noted above from the statements made in the writ petition, itself. All the prayers made in the writ petition are found to be misconceived and hence, rejected. The writ petition is, accordingly, dismissed being misconceived. No order as to costs.

(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 25/03/2026 18:07:42