

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2436 of 2025**

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KASUBHAI HEVLAIBHAI VASAVA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. RISHIN R PATEL(7222) for the Petitioner(s) No. 1

MS HETAL PATEL, ASST.GOVERNMENT PLEADER 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 PRANAV TRIVEDI

Date : 05/05/2025

ORAL ORDER

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

1. The petitioners herein (three in number) claim to be farmers from Uchchhal and Songadh Talukas of Tapi District and would submit that due to construction of Ukai Irrigation Dam in the year 1970, the lands of five villages of Uchchhal Taluka and three villages of Songadh Taluka of District Tapi were submerged in the reservoir of Ukai dam. The contention is that the petitioners and their forefathers who were members of the Scheduled Tribe, were cultivating the forest lands situated in the aforesaid villages of two Talukas, which were allotted to them vide Government Resolution dated 20.05.1971. The further contention is that owing to construction of Ukai dam between the year 1964 and 1972, the farmers who were cultivating the forest lands

authorisedly or unauthorizedly prior to 01.03.1960 to whom allotment was made vide Government Resolution dated 20.05.1971 were to be rehabilitated. Though at the relevant point of time, no provision for compensation has been made, however, by letter dated 04.11.1990, the respondent No.2, namely the Additional Collector (Irrigation) had forwarded a proposal to the State Government getting approval for payment of compensation on compassionate ground to such farmers affected by the Ukai Irrigation Project. It is sought to be submitted that the State Government vide communication dated 29.10.1993 sought certain information for processing the proposal for payment of compensation on compassionate ground, the response where to was sent by the respondent No.2 on 15.02.1995. The further contention is that the respondent No.2, after clarification, wrote to the State Government for requesting for approval to seek appropriate directions from the State Government, but till date nothing has been done. The contention is that the petitioners are making representations for the last three years, but there has been no consideration.

2. Noticing the above, we may simply record that as per own contention of the petitioners (three in number), the construction of Ukai dam was completed in the year 1964 to 1972. All the petitioners herein were either minor or were not even born at the relevant point of time. The statement made in the writ petition that their forefathers who were cultivating the forest lands at the

relevant point of time were not given compensation or they were deprived of their livelihood, cannot be examined based on any communication issued by the Additional Collector in the year 1990 onwards. The submission of the learned counsel for the petitioner that even in a letter dated 16.06.2022, the respondent no.2 wrote that due to administrative and geographical reasons the payment of compensation on compassionate ground had not been made to the farmers whose lands had been submerged owing to Ukai Irrigation Project is neither here nor there.

3. The fact remains that none of the petitioners herein would fall in the category of occupants of the lands at the relevant point of time, i.e. when construction of Ukai dam was made which caused submerging of the forest lands into reservoir.
4. All the prayers made in the writ petition based on the communications made between the petitioners and the respondent No.2 from the year 2022 onwards are liable to be ignored. The writ petition is dismissed as misconceived.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR