

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3115 of 2024**

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RABARI BHIKHABHAI HARIBHAI & ORS.**Versus****SECRETARY ROAD AND BUILDING DEPARTMENT & ORS.**

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Appearance:**MR AV PRAJAPATI(672) for the Petitioner(s) No.****1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,3,4,5,6,7,8,9****MR KRUTIK PARIKH AGP for the Respondent(s) No. 1****MR HS MUNSHAW(495) for the Respondent(s) No. 3****NOTICE SERVED for the Respondent(s) No. 2,4**

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Date : 19/03/2024****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. The petitioners herein (24 in number) contend that the lands belonging to them, description of which has been given in para '3A' of the writ petition, have been utilized by the respondents in the year 1990 for construction of approach road, without adopting due process of law. It is stated that though Section 10A Notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been issued in the year 2021, but the process of acquisition has not been completed. In spite of several representations given by the petitioners, nothing has been done in the matter.

2. By order dated 26.2.2024, time was granted to the learned Assistant Government Pleader appearing for the State respondents to seek instructions to answer the contention of the petitioners that the lands in question have been utilized in the year 1990 for construction of road without adopting due process of law.

3. Notice of the writ petition has been served upon Mr. H.S.Munshaw, the learned advocate who has put-in appearance on behalf of the respondent No.3, Road and Building Division, District Panchayat, Banaskantha. No instructions have been received by the learned Assistant Government Pleader appearing for the State respondents.

4. Both the learned counsels appearing for the respondents pray for and are granted 15 days time to seek instructions in writing to bring before the Court answer to the contention made by the petitioners, noted hereinabove.

Put up on 2.4.2024.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN