

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.

1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,3,4,5,6,7,8,9

MR KRUTIK PARIKH ASSISTANT GOVERNMENT PLEADER for the

Respondent(s) No. 1

MR RAJESH CHAUHAN for 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 PRANAV TRIVEDI

Date : 03/10/2024

ORAL ORDER

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

Vide order dated 19.03.2024, we require the learned advocate appearing for the respondent no. 3, namely the Road and Building Division, District Panchayat, Banaskantha, as also the learned Assistant Government Pleader appearing for the State - respondent to file their response to the contention of the petitioners (24 in number) that their private lands have been utilized for construction of the road without adopting the due process of law.

2. In response thereto, affidavit filed on behalf of the respondent no. 3, namely the Executive Engineer, Road and Building Division,

Banaskantha dated 22.03.2024 states that a proposal for acquisition of the lands in question used in construction of the public road had been forwarded by respondent no. 3, namely the Executive Engineer to the Deputy Collector, Deesa on 18.09.2019. The Deputy Collector, Deesa had forwarded the said proposal on 30.11.2019 to the District Collector, Banaskantha at Palanpur for forwarding the same to the State Government. The proposal was forwarded to the Revenue Department, Secretariat at Gandhinagar and certain clarifications were sought by respondent no. 4, namely the Collector, Banaskantha vide letter dated 13.07.2020. Further correspondence occurred between the respondent no. 3, Deputy Collector and the Revenue Department, in the year 2020. Again respondent no. 3 had sent letters to the Collector and District Magistrate, Banaskantha, Deputy Collector, Deesa and District Inspector of Land Records at Palanpur, just before the order dated 19.03.2024 was passed by this Court.

3. On the other hand, in the written instructions supplied by the Deputy Collector, Deesa, it is stated that earlier proposal had lapsed with the passage of time and as per the new procedure, the proposal has to be uploaded at the 'Gatishakti' portal, prepared for the purpose of processing of the land acquisition. In spite of letters written by the Deputy Collector, the competent authority of the Road

and Building Division, District Panchayat, Banaskantha has not uploaded the proposal on the 'Gatishakti' portal till date. As a result of it, proceeding of the acquisition could not be continued.

4. We, therefore, require the Executive Engineer, Road and Building Division, District Panchayat, Banaskantha to complete the formalities for sending proposal to the State Government, by uploading the same in accordance with the settled procedure on the 'Gatishakti' portal within a period of two weeks from today, failing which we will take adverse action against respondent no. 3.

Put up this matter on **17.10.2024**.

Let the personal affidavit of the Executive Engineer, Road and Building Division, District Panchayat, Banaskantha shall be fixed on the next date fixed.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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