

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2677 of 2025**

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SHREE DAHELI GRAM SARVAJANIK TRUST

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR KM SHETH(838) for the Petitioner(s) No. 1

MR. SANJAY UDHWANI, ASSISTANT GOVERNMENT PLEADER 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 : 18/06/2025

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

1. The petitioner herein seeks a writ in the nature of mandamus commanding respondent no. 1, i.e., the Secretary, Revenue Department, Government of Gujarat to finalize/ approve the draft award dated 21.10.2021, prepared by the respondent no. 2, i.e., Deputy Collector and Special Land Acquisition Officer under Section 28A of the Land Acquisition Act, 1894. By placing the orders passed in the previous proceedings drawn by the petitioner herein, it was sought to be submitted that the challenge to the original award by moving an application under Section 18 of the Act, 1894 was turned down by the Collector on the ground of delay. The said order was subjected to challenge in Special Civil Application No.

7892 of 1990, which was decided on 19.11.1990. While refusing to interfere with the order of the Collector, liberty was granted to the petitioner to invoke Section 28 A, in case reference filed by the other land holders was decided in their favour. It is submitted that the reference i.e. LAR Case No. 565/88, filed by other land holders challenging the original award dated 17.08.1987 was decided in their favour on 29.09.2007. Thereafter, the petitioner filed an application under Section 28A on 09.01.2009, seeking for benefits of the Reference Court award dated 29.09.2007. The said application was kept pending for a long time and hence, the petitioner was constrained to approach this Court seeking for early disposal of the Special Civil Application No. 4384 of 2015, which was disposed of with a direction to the competent authority to decide the application under Section 28 A of the Land Acquisition Act within a period of three months, vide judgment and order dated 11.03.2015. The application filed by the petitioner, was, however, rejected vide order dated 19.07.2021, which was subjected to challenge in a Special Civil Application No. 12507 of 2021. This Court vide judgment and order dated 13.09.2021, while setting aside the order of rejection dated 19.07.2021, remitted the matter back with a direction to the Special Land Acquisition Officer to decide the application dated 15.03.2021 (reminder) *de novo* after giving due opportunity of hearing to the petitioner through authorized representative within a period of four weeks from the date of receipt of copy of this order. A

draft award was, thus, prepared on 21.10.2021 which has been placed before the Secretary, Revenue Department, as per the intimation received by the petitioner, for approval. Approval has not been granted so far and hence, the petitioner is constrained to file the present petition seeking for a directions as noted hereinbefore.

2. Placing a communication dated 16.06.2023 appended at Page no. 56 of the paper-book, it is sought to be submitted by learned counsel for the petitioner that certain queries were made by the Deputy Collector, on the queries made to the draft award submitted to the Revenue Secretary. Reply to the said communication was sent through an advocate on 22.06.2023 which is appended at Page no. 57 of the paper-book. The statement in the writ petition is that in spite of considerable time having been lapsed since the award has not been finalized, the petitioner is constrained to approach this Court.
3. There is a reminder sent by the petitioner on 03.12.2024 which is at Page no. 58 of the paper-book.
4. Taking note of the above, we require, Mr. Sanjay Udhwani, learned Assistant Government Pleader appearing for the State respondents to seek instructions from the respondent no. 2, i.e., the Deputy Collector and Special Land Acquisition Officer with regard to the progress made in the matter. The written instructions shall be placed before us on the next date fixed. Put up this matter on 09.07.2025.

5. In the meantime, it would be open for the respondents to complete the process of approval and declare the award.

(SUNITA AGARWAL, CJ)

VARSHA DESAI

(D.N.RAY,J)

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: VARSHABEN VAGHAJIBHAI DESAI(HC01393), PRIVATE SECRETARY, at High Court of Gujarat on 20/06/2025 14:48:15