

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6450 of 2026**

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PATEL HARESHBHAI GANESHBHAI

Versus

THE STATE OF GUJARAT THROUGH SECRETARY & ORS.

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Appearance:

MR RAKESH R PATEL(3239) for the Petitioner(s) No. 1

MR SANJAY UDHWANI, AGP for the Respondent(s) No. 1,2,3

MR RUTVIJ S OZA(5594) for the Respondent(s) No. 4,5

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
 and
HONOURABLE MR. JUSTICE D.N. RAY

Date : 04/05/2026

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

1. This is a wholly misconceived petition seeking to challenge the order of rejection of the application under Section 28A of the Land Acquisition Act, 1894 (in short as the "Act' 1894") filed by the person who has parted with his right, title and interest in the land in question in the month of March 2005, as per the statement made in the writ petition itself.

2. The registered sale deed dated 17.09.2005 has been executed by the petitioner in favour of a person who is not party to the present petition. The proceedings for acquisition of the land in question were initiated much after the transfer made by the petitioner. The acquisition notification under Section 4 of the Act' 1894 is dated 21.07.2010 and the award

under Section 11 of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is dated 30.04.2013.

3. The contention of the petitioner in the writ petition that the possession of the land in question had been taken from the petitioner in the year 2005 and further that the original award dated 30.04.2013 was declared in the name of the petitioner are wholly misconceived for the simple reason that even if the name of the petitioner was recorded in the award, he has no right to receive compensation, once he has parted away with his interest in the land in question. The question as to whether the possession was taken prior to initiation of acquisition proceedings vide issuance of notification under Section 4 dated 21.07.2010 is not relevant for us in view of the admission of the petitioner that the entire acquisition proceedings were undertaken after transfer of the land in question by way of registered sale deed.

4. For the aforesaid, no further claims can be made by the petitioner seeking for compensation or enhancement of compensation in any manner.

5. The present petition having been filed against the transferee of the land in question, is liable to be rejected, outrightly. Dismissed, as such. No order as to costs.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI