

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8022 of 2023**

=====

BHOLABHAI RAMJIBHAI PATEL HUF & ORS.

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR PUSHPADATTA VYAS(1296) for the Petitioner(s) No. 1,2

DECEASED LITIGANT for the Respondent(s) No. 10,6

MR SANJAY UDHWANI, ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,2

MR ADITYA S PATEL(12087) for the Respondent(s) No. 11,12,13,14,5,7,9

MR BS PATEL, SENIOR ADVOCATE WITH MR UMANG H OZA(2440) for the Respondent(s) No. 3,4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MRS.

JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 07/10/2025

ORAL ORDER

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

1. By means of the order dated 16.09.2025 passed by us, we have posted the matter today on the request made by the learned senior counsel appearing for the respondent nos.3 and 4, granting time to the respondents to make a statement for deposit of the amount received by the respondent nos.3 and 4 pursuant to the order dated 30.04.2018 passed by the Special Land Acquisition Officer in terms of the original award dated 05.09.2017 as also the

amended Factor-2 award dated 30.12.2021.

2. While saying so, we have reached at the conclusion in the order, upon making an inquiry into the material on record that the respondent nos.3 and 4 who are the subsequent purchasers of the land-in-question had illegally received the compensation determined under the aforesaid two orders namely the original award as well as Factor-2 award.

3. When the matter was taken up today, the learned senior counsel for the respondent nos.3 and 4 seeks adjournment.

4. Taking note of the same, we post the matter on **17.11.2025** to enable the respondent nos.3 and 4 to deposit the entire awarded amount received under the original award dated 05.09.2017 and the amended Factor-2 award dated 30.12.2021. The entire amount under the aforesaid two awards shall be deposited in two installments, the first installment of which shall be deposited on or before the next date fixed.

5. The affidavit of compliance of this order shall be filed by

the learned advocate appearing for the respondent nos.3 and 4 by the next date fixed.

6. Coming to the inquiry initiated by the Collector pursuant to the order dated 16.09.2025, it may be noted that as per the affidavit dated 01.10.2025 filed by the Collector, Vadodara, preliminary inquiry into the act of the Special Land Acquisition Officer in passing the award dated 30.04.2018 has been conducted by the Collector and an inquiry report dated 20.09.2025 has been submitted to the Revenue Department for initiating departmental inquiry against the erring official, inasmuch as, in the preliminary inquiry the Collector found that the Special Land Acquisition Officer had passed the order dated 30.04.2018 as against the principle of Section-3(H) of the National Highways Act, 1956 as well as Section 76 and 77 of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*.

7. Taking note of the above, we provide that Mr. Sanjay Udhwani, the learned Assistant Government Pleader shall file the progress made in the matter of disciplinary inquiry against the erring official by filing affidavit of

competent officer from the Office of the Collector by the next date fixed.

Put up this matter on ***17.11.2025 at 12:30 p.m.***

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA