

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 3618 of 2026

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MUMAN YASINBHAI SULEMANBHAI
Versus
SPECIAL LAND ACQUISITION OFFICER & ANR.

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Appearance:

HIMANSHUKUMAR B PATEL(8327) for the Petitioner(s) No. 1
MR AV PRAJAPATI(672) for the Petitioner(s) No. 1
MR JAY TRIVEDI, AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 27/04/2026

ORAL ORDER

1. By way of preferring present petition, the petitioner has prayed for the following relief:

"A. Your Lordships may be pleased to quash and set aside the impugned Order dated 13.01.2026 (Annexure-A) passed by the Principal Senior Civil Judge, Patan in CMA No. 8 of 2024 and thereby direct the Reference Court to correct the Judgment dated 31.03.2011 (Annexure-C) passed in Land Reference Case No. 767 of 2006 by adding Revenue Survey No. 81 for land admeasuring 1692 Sq. Mtrs. situated at Village: Chatawada, Taluka Siddhpur, District: Patan, in respect of the Petitioner and thereby order to pay the amount of compensation for the said land with interest."

2. The brief facts leading to filing the present petition read as under:

2.1. That the Petitioner is the owner of the land bearing Revenue Survey Nos. 80 and 81 of Village: Chatawada, Taluka: Siddhpur, District: Mehsana and out of the total land of Survey No. 80, land admeasuring 1602 Sq. Mtrs. and out of the total land of Survey No. 81, land admeasuring 1692 Sq. Mtrs. came to be acquired by the Respondents for the purpose of Dharoi Canal by Land Acquisition Case No. 20 of 1998, wherein the Award came to be passed on 06.05.1999 by the Land Acquisition Officer.

2.2. The petitioner and other claimants, therefore, preferred Reference under Section 18 of the Act before the Court of Principal Senior Civil Judge, Patan being Land Reference Case No.767 of 2006, which came to be decided by the Reference Court by judgment and order dated 31.03.2011.

2.3.The Petitioner herein, thereafter, filed an Application before the Reference Court for withdrawal of the amount of compensation and the Reference Court has permitted to withdraw the amount of compensation.

2.4. Thereafter, recently, in the month of May-2024, the Petitioner came to know from the other Claimants whose lands have also been acquired, that they have filed First Appeal No. 809 of 2020 and allied matters before this Court and this Court, vide order dated 30.08.2022, enhanced the amount of compensation and at that time, petitioner came to know that the amount

of compensation, which has been determined by the Reference Court and received by the present Petitioner is only for Survey No. 80 qua land admeasuring 1602 Sq. Mtrs., however, in the said Judgment of Reference Court itself, the Survey No. 81 qua land admeasuring 1692 Sq. Mtrs. has not been shown and petitioner has not received any amount of compensation qua the said Survey No.81 and the Petitioner has only received the compensation for the land bearing Survey No. 80 admeasuring 1602 Sq. Mtrs.

2.5. The Petitioner, therefore, immediately, filed Civil Misc. Application No. 8 of 2024 before the Court of Principal Senior Civil Judge, Patan for correction in the Judgment and order passed in Land Reference Case No. 767 of 2006 under Section 151, 152 and 153 of the Code of Civil Procedure, 1908 and thereby prayed for adding Revenue Survey No. 81 admeasuring 1692 Sq. Mtrs. in the Judgment, however, the said application has been rejected essentially on the ground of delay in preferring the said application. Hence, present petition is preferred.

3. Heard learned advocate Mr. A. V. Prajapati for the petitioner and learned AGP Mr. Jay Trivedi for the respondent – State.

4. Learned advocate Mr. Prajapati submits that petitioner is the owner of two parcels of land, which came to be acquired by the Land Acquisition Officer

for the purpose of construction of Dharoi Canal. The Land Acquisition Officer has passed an Award and as amount of compensation so awarded is inadequate, the petitioner has preferred Reference under Section 18 of the Land Acquisition Act before the competent Court for both the parcels of land bearing Revenue Survey Nos. 80 and 81. However, at the time of passing the Award under Section 18 of the Act, the Reference Court has passed award qua land bearing Survey No.80 only and not passed any award qua land bearing Survey No.81. He further submits that recently in the month of May, 2024, petitioner came to know about the aforesaid aspect and therefore immediately he preferred an application before the concerned Reference Court for correction in the judgment and order by adding the aforesaid survey No.81. However, the said application has been rejected by the Reference Court essentially on the ground of delay in preferring the said application. Learned advocate Mr. Prajapati submits that though it is true that petitioner has preferred the application belatedly after a period of 13 years but at the same time it is the Reference Court which had committed an error while passing the Judgment and Award under Section 18 of the Act by not properly appreciating the evidence and other materials placed on record qua land bearing Survey No.81. He further submits that admittedly the land bearing Revenue Survey No.81 of the ownership of the petitioner has been acquired by the acquiring body and though the petitioner has

preferred Reference under Section 18 of the Act qua said parcel of land for enhancement of the compensation, the said Survey No.81 has not been reflected in the Award passed by the Reference Court under Section 18 of the Act. He, therefore, submits that there is no fault on the part of the petitioner and therefore he may not be allowed to suffer the loss.

5. Learned advocate Mr. Prajapati further submits that the omission of Survey No.81 is purely a typographical mistake and/or accidental slip or omission, which deserves to be corrected in the interest of justice. He, therefore, submits that without prejudice to his rights and contentions, petitioner voluntarily waives the claim of interest for the period from 20.02.2018 i.e. the date on which the petitioner withdrew the amount of compensation in terms of the judgment passed by the Reference Court under Section 18 of the Act and came to know about the aforesaid error alleged to have been committed by the Reference Court till the date of filing of the aforesaid correction application before the Reference Court i.e. 22.07.2024. He submits that petitioner has also filed an undertaking to that effect, a copy of which is tendered across the Bar, which is directed to be taken on record. He, therefore, prays that the impugned order dated 13.01.2026 passed by the Reference Court may be set aside and thereby directions may be issued to the Reference Court to

correct the Judgment dated 31.03.2011 passed in Land Reference Case No. 767 of 2006 by adding Revenue Survey No. 81 qua land admeasuring 1692 Sq. Mtrs. situated at Village: Chatawada, Taluka Siddhpur, District: Patan and to pay the amount of compensation for the said land with interest excluding the interest for the period from 20.02.2018 to 22.07.2024.

6. On the other hand, learned AGP Mr. Jay Trivedi has objected present petition with a vehemence and submitted that the Reference Court has not committed any error while rejecting the application preferred by the petitioner for correction in the Award passed by the Reference Court under Section 18 of the Act. He further submits that the primary ground which weighed with the Reference Court in rejecting the petitioner's application was the delay in filing the said application. He submits that petitioner has preferred the application almost after 13 years from the date of passing of the Award and therefore even if the Court is inclined to allow the petition, in that event, the petitioner is entitled to get the interest till 20.02.2018 i.e. the date on which the petitioner came to know about the so-called mistake committed by the Reference Court. However, he has fairly conceded before this Court that land bearing Survey No.81 of the ownership of the petitioner has not been included in the Award passed by the Reference Court though the petitioner has also filed

Reference under Section 18 of the Act qua the said parcel of land and therefore it can safely be said that through typographical error and/or accidental slip or omission, the said parcel of land has not been included in the Award passed by the Reference Court and for the said mistake, petitioner cannot be held responsible. He further submits that when the petitioner has filed an undertaking before this Court, whereby, he has voluntarily waived off the interest for the particular period, appropriate order may be passed.

7. Having heard learned advocates for both the parties and having considered the materials placed on record, it is found out that two parcels of land of the petitioner have been acquired by the acquiring body for construction of Dharoi Canal. Accordingly, the Land Acquisition Officer passed an Award dated 06.05.1999 in the Land Acquisition Case No. 20 of 1998. However, as the amount of compensation so awarded is inadequate, petitioner preferred a Reference under Section 18 of the Act before the Court of Principal Senior Civil Judge, Patan, which was culminated into Land Reference Case No.767 of 2006. The Reference Court partly allowed the said Reference by judgment and order dated 31.03.2011 and enhanced the amount of compensation. However, while passing the said Award dated 31.03.2011, through inadvertence, one parcel of land of the petitioner being Revenue Survey No.81 has not been included in

the said Award and at the time of withdrawing the additional amount of compensation granted by the Reference Court, on 20.02.2018 the petitioner came to know about the said fact. The petitioner, therefore, preferred an application for making necessary correction in the Award by adding the aforesaid Survey No.81. However, the said application has been rejected by the Reference Court mainly on the ground of delay in preferring the said application.

8. It is an admitted position of fact that petitioner has filed Reference under Section 18 of the Act for both the parcels of land i.e. land bearing Revenue Survey Nos.80 and 81. However, through oversight, the Reference Court passed Award for the land bearing Revenue Survey No.80 only by excluding the land bearing Revenue Survey No.81. As per the case of the petitioner, he came to know about the said aspect only in the year 2018 and therefore immediately he filed an application for making necessary correction in the Award. However, the Reference Court has not considered the said application. It is pertinent to note that the petitioner has filed an undertaking, whereby, he has voluntarily waived off the interest for the period from 20.02.2018 i.e. the date on which petitioner got knowledge about the exclusion of Survey No.81 in the Award passed by the Reference Court till 22.07.2024 i.e. the date on which petitioner has preferred an application before the Reference Court for making

necessary correction in the Award.

9. Thus, in view of the aforesaid peculiar facts of the present case, the impugned order dated 13.01.2026 passed by the Reference Court in C.M.A No.08/2024 is hereby set aside. The Reference Court is directed to decide the application preferred by the petitioner for making necessary correction in the Judgment and Award dated 31.03.2011 passed in Land Reference Case No. 767 of 2006 by adding Revenue Survey No. 81 of Village: Chatawada, Taluka Siddhpur, District: Patan, after verifying/scrutiny of the materials and record and without being influenced by the observations made in its earlier order dated 13.01.2026, as expeditiously as possible and preferably within a period of 3 months from the date of receipt of copy of this order. On scrutiny of the materials, if the Reference Court arrives at a conclusion that through oversight the said Survey No.81 is not included in the judgment and Award dated 31.03.2011, in that event, it shall pass necessary order correcting the Award dated 31.03.2011 by adding the aforesaid Survey No.81 in the Award and pay the additional amount of compensation as per the terms of original Award dated 31.03.2011. The Reference Court is also directed to observe in the Award that petitioner is entitled to get the interest as per the terms of the original Award dated 31.03.2011 only up to 20.02.2018 i.e. the date on which the petitioner acquired knowledge about the fact of exclusion of Survey No.81 in the Award.

10. With the aforesaid observations and directions,
petition stands disposed of.

(DIVYESH A. JOSHI,J)

LAVKUMAR J JANI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: LAVKUMAR JAYANTBHAI JANI(HC00210), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 29/04/2026 18:04:23