

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5465 of 2026**

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HIMANSHU RAJNIKANT PATEL & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR SP MAJMUDAR(3456) for the Petitioner(s) No. 1,2

MR VEDANT AVADHOOT SUMANT(13736) for the Petitioner(s) No. 1,2

MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the

Respondent(s) No. 1,3,4,5

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE

SUNITA AGARWAL

and

HONOURABLE MR. JUSTICE D.N. RAY

Date : 11/06/2026

ORAL ORDER

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

1. Affidavit filed by the Mamlatdar in compliance of the order dated 07.05.2026 is incomplete in all respects. As regards the matters pending before the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) Ahmedabad Zone, which deals with 15 districts of the North and Central Zone, total 9683 matters are stated to be pending whereas for other two zones namely Surat and Rajkot, the total number of matters pending as on date are 486 and 1390; respectively. With regard to the staff structure, it is stated that in Ahmedabad Zone, the office of the LARRA comprised of Mamlatdar, Deputy Mamlatdar who

are I/c. of the administrative, responsibility of the office and a Clerk and stenographer to assist the authority in discharging its duties.

2. It is submitted by Ms. Hetal Patel, the learned Assistant Government Pleader appearing for the State - respondents that a retired Principal District Judge is appointed as LARRA for the respective zones. However, the positions of Clerk and Stenographer have not been filled since the establishment of the office of the LARRA. It seems that it is for this reason that the functioning of the LARRA is stuck. The chart narrated in paragraph no. 5 of the affidavit of the Mamlatdar shows that approximately 4,020 references having been received in the year 2022 itself and not a single reference decided so far. There is lack of information in the affidavit about any reference having been decided by the LARRA from the date of its establishment, which has also not been disclosed in the affidavit.

3. The explanation sought to be offered in the affidavit of the Mamlatdar is that due to the substantial number of reference applications and a paucity of permanent staff, the office of the LARRA could not take adequate measures for

timely disposal of the reference applications. The statement that further steps are being taken is neither here nor there.

4. In the present case itself, when the petitioner approach this Court by filing the present petition in the month of March 2026, upon an order dated 21.04.2026 passed by us asking the learned Assistant Government Pleader appearing for the State - respondent to seek instructions from the respondent no. 3 showing cause for delay in disposal of the reference application under Section 64 of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013, a notice has been issued for the first time to the petitioner on 05.05.2026, fixing date as 09.06.2026, being the first date of hearing.

5. This fact shows dereliction on the part of the competent authority in providing the necessary infrastructure to the LARRA, which has been constituted with the benevolent object of redressal of the grievances of the land owners and many times farmers whose lands are acquired for different development projects within the State.

6. The Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with effect from 01.01.2014 with an object to ensure that a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities with the idea that all affected families are provided just and fair compensation for their acquired lands for infrastructural/development project and adequate provisions are made for their rehabilitation and resettlement. The long title of the Right to Fair Compensation Act, 2013 states that the 2013'Act has been enacted for ensuring that cumulative outcome of compulsory acquisition is such that the affected persons become partners in development to lead improvement in their post acquisition social and economic status.

7. Section 64 of the Act, 2013 provides that any person who has not accepted the award may, by written application to the Collector, require the matter to be referred to the competent authority for determination/redetermination of the compensation including the questions as to the measurement of the land, the amount of the compensation, the right of

person to whom the compensation is payable and any questions as to its apportionment thereof.

8. The proviso to Section 64 (1) of the Act, 2013 states that the Collector within a period of thirty days from the date of receipt of the application shall make a reference to the appropriate authority and in view of the second proviso, in case of failure on the part of the Collector, the applicant is free to approach the LARRA for taking up the reference.

9. The process for the determination/redetermination of compensation by the LARRA has been provided in Sections 65 to 69 of the Act 2013. Under section 71, even the persons interested are entitled to the cost incurred in the proceedings under Chapter VIII which provides for establishment of the LARRA for redetermination of the compensation. Section 51 (1) of the Act, 2013 as contained in Chapter VIII mandates the appropriate authority to establish LARRA for the purpose of providing speedy disposal of the disputes relating to the land acquisition, compensation, rehabilitation and resettlement.

10. The composition of the authority, qualifications and

tenure of the Presiding Officer has been provided in Sections 52 to 54 as contained in Chapter VIII. Section 55 provides for the staff of the authority, a Registrar and such other officers and employees as are needed for the discharge of functions of the LARRA under the general superintendence of the Presiding Officer.

11. Considering the scheme of the 2013, Act, the benevolent object of enforcement of Act, 2013 with effect from 01.01.2014, we find that the legislature has conceived a situation which harmonize two competing interests of compulsory acquisition and rehabilitation and resettlement of affected persons so that the affected persons may find themselves being partners in the development of the Country/State.

12. We fail to understand as to how this object and purpose of 2013, Act would be achieved, if the LARRA has not been established in accordance with the scheme of the Act as contained in Chapter VIII therein. The mere appointment of a Presiding Officer to the LARRA for a term of three years, as mandated under sections 52 to 54 of the Act, 2013 would not be sufficient, if bare minimum staff such as a clerk and

stenographers is not provided. This shows apathy on the part of the Revenue Department, which seems to be completely oblivious of the whole enactment.

13. We, therefore, require the Secretary, Revenue Department to file a personal affidavit to explain as to how the object and purpose of 2013, Act could be achieved, if such a situation continues to exist. Rectification measures are to be set in place at the ends of the Secretary, Revenue Department, at the earliest, even before filing its response to this order. The personal affidavit of the Secretary, Revenue Department shall be filed on the next date fixed.

14. Besides that, the correct and complete data with regard to the cases pending before the Presiding Officer of LARRA in three Zones, shall also be brought on record with the separate affidavit(s) of the Registrar(s), LARRA concerned.

15. Put up on 16.07.2026.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

VARSHA DESAI