

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6741 of 2023**

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LAKHABHAI BHIMABHAI MATIYA

Versus

SPECIAL LAND ACQUISITION OFFICER & ORS.

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Appearance:

MR. ZALAK B PIPALIA(6161) for the Petitioner(s) No. 1

DHANESH R PATEL(8226) for the Respondent(s) No. 2,3

MS.HETAL PATEL, AGP for the Respondent(s) No. 1,3,4

MR. BHADRISH S RAJU(6676) for the Respondent(s) No. 2,3

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY**Date : 04/08/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. The petitioner herein claims to be owner in possession of Survey No. 23/1 and 23/2, total admeasuring 19,020 sq. mtrs., situated at Village Kuchiadad, Taluka & District Rajkot, which according to him, are landlocked, between the lands acquired for the purposes of Greenfield Airport, vide acquisition Notification dated 19.07.2017, published by the State Government. The copy of the Notification dated 19.07.2017 under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has been

appended at Page No.37 of the paper-book to demonstrate the contention of the petitioner in paragraph No.9 of the writ petition that the lands belonging to the petitioner was never subjected to acquisition. It is pointed out that, in fact, it is the only piece of private land of Village Hirasar left out in the vicinity of Greenfield Airport. It is contended in Paragraph No.9 of the writ petition that at the western boundary of the land in question, there lies River Machhu and on the remaining three sides, there are huge chunk of Government waste lands, which have also been utilized for the purposes of developing the Greenfield Airport at Rajkot. The contention is that after the respondent no.2 namely the acquiring body had constructed a boundary wall on the lands acquired by them, the lands in question (in Survey No. 23/1 and 23/2) belonging to the petitioner are left landlocked.

2. The prayer has, thus, been made in the writ petition to issue directions to the respondents to take appropriate measures; either to acquire the land in question which lies in the middle of lands acquired for Greenfield Airport or to provide permanent access to the land in question so that the petitioner may be able to utilize the same.

3. Mr.Dhanesh R. Patel, learned advocate has put in appearance on behalf of the respondent Nos.2 & 3, namely the Airport Authority of India, which is In-charge of the Greendfield Airport, Rajkot

4. Ms. Maithili Mehta, learned Assistant Government Pleader appears for the respondent No.1 and 4, namely the Special Land Acquisition Officer and Deputy Collector.

5. Both the learned advocates for the respondents are directed to file the replies of the respondents about the grievances raised by the petitioner that the land in question being landlocked with the lands utilized for Greenfield Airport, cannot be left out and is required to be acquired for the same purpose by paying compensation to the petitioner.

6. On the request made by the learned Counsel for the respondents, the matter is posted on **1st September, 2025.**

7. We may further note that by the interm order dated 02.05.2023, the interim prayer made by the petitioner in

paragraph No.32(E) to restrain the respondents from obstructing the access of the petitioner to the land in question has been granted and the same is operative as on date. The interim order granted earlier shall continue till the next date fixed.

(SUNITA AGARWAL, CJ)

BINA SHAH

(D.N.RAY,J)