

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6900 of 2026**

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CHETNABEN MIHIRBHAI PANDYA (CHETNA VASUDEV RAVAL - MAIDEN
NAME)
Versus
STATE OF GUJARAT & ORS.

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Appearance:
NANAVATI & CO.(7105) for the Petitioner(s) No. 1
MR SANJAY UDHWANI, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3,4

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

Date : 08/05/2026

ORAL JUDGMENT

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

1. The petitioner herein claiming to be the owner of the land, as described in paragraph 2.1 of the writ petition, seeks to assail the action of the respondent authorities in declaring Section 19 notification dated 30.12.2025 on the ground that the declaration of acquisition has been made without following the procedure prescribed in Chapter IV of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, the Act' 2013"), wherein Sections 16, 17 and 18 contemplate preparation of the rehabilitation and resettlement scheme and

approval thereof by the appropriate government, after publication of the draft scheme.

2. Referring to sub-section (2) of Section 19, it was argued by Mr. Maulik G. Nanavati, learned advocate for the petitioner that there is a mandate of the said sub-section to the Collector to publish a summary of rehabilitation and resettlement scheme along with declaration referred to in sub-section (1) of Section 19 itself. The proviso to sub-section (2) of Section 19 has been placed to submit that no declaration under sub-section (2) shall be made unless the summary of the rehabilitation and resettlement scheme is published along with the declaration referred to in sub-section (1). Second and third proviso of sub-section (2) are also pressed into service to the effect that the declaration under sub-section (1) of Section 19 must precede the deposits towards the cost of compensation of the land, in full or part, as may be prescribed by the appropriate government, by the requiring body.

3. Further placing the content of the notification dated 30.12.2025 under Section 19(1) of the Act 2013, it was argued that there is absolutely no whisper in the said notification

about any rehabilitation and resettlement scheme/scheme prepared and published by the Collector in accordance with the provisions of Sections 16, 17 and 18, after approval of the appropriate government.

4. The submission is that the process of the land acquisition under the scheme of the Act' 2013 is completed only after each step of acquisition is completed strictly in accordance with the provisions of the Act itself. Section 31 as contained in Chapter-V requires the Collector to pass rehabilitation and resettlement award for affected families. Sub-section (2) of Section 38 further makes the Collector responsible for ensuring that the rehabilitation and resettlement process is completed in all respects before displacing the affected families.

5. Section 38 of the Act' 2013 further requires that before taking possession of the land acquired under the notifications under Sections 11 and 19 of the Act' 2013, the Collector/ Special Land Acquisition Officer shall ensure full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the landowners/ entitled

persons. The requirement is that the compensation determined under the award passed under Section 26 be paid within a period of three months and monetary part of rehabilitation and resettlement entitlements listed in the 2nd Schedule shall be paid within a period of six months from the date of the award made under Section 30.

6. Placing the above-noted provisions of the Act' 2013, it is sought to be submitted by Mr. Maulik G. Nanavati that it seems that the office of the Collector, namely, the Special Land Acquisition Officer are reeling under the impression that for publication of the notification under Section 19(1), only requirement of Section 15 of the Act' 2013 is to be adhered to and completed.

7. The submission, thus, is that in absence of the mandatory steps of preparation of rehabilitation and resettlement scheme in accordance with Sections 16 to 18, as contained in Chapter-IV of the Act' 2013, in view of sub-section (2) of Section 19, the process of acquisition by publication of the declaration under Section 19(1) cannot be said to be completed.

8. In the instant case, after the publication of the notification dated 30.12.2025, an award dated 17.03.2026 has been passed after issuance of notice to the petitioner herein. It is sought to be submitted that the petitioner came to know about the factum of non-preparation of the draft rehabilitation and resettlement scheme, publication and approval thereof only at the stage of making of the award and, hence, approached this Court in the present petition without any delay.

9. On these submissions, the response of the State respondents is required to be obtained. On the request made by Mr. Sanjay Udhwani, learned AGP appearing for the State respondents, the matter is posted on 25.06.2026 to enable him to complete his instructions and bring the stand of the respondents (specifically respondent nos.1, 2 and 3) before us through an affidavit of a competent officer from the office of the Collector, Mehsana.

10. A categorical statement has been made by the petitioner in the present petition that the possession of the land in

question has yet not been taken by the Special Land Acquisition Officer and the petitioner is enjoying the exclusive physical possession of the land. We may, therefore, only provide that it would be open for the competent authority to initiate due process of taking possession, after ensuring that the compensation determined under the award dated 17.03.2026 is deposited and the notice tendering the said compensation is sent to the land owners. Meaning thereby, process of taking possession of the land in question, if not already undertaken, shall be completed by adopting due process of law. However, the completion of acquisition by taking possession of the land in question shall be subject matter of result of the present petition.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA