

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

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 : 25/06/2026

ORAL ORDER

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

1. In the affidavit in compliance dated 24.06.2026 of the Prant Officer, Taluka Seva Sadan, Kheralu, District: Mahesana, it is sought to be submitted that the procedure as mandated under Sections 16 to 18 of the Rights to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement Act, 2013 for the preparation of Rehabilitation and Resettlement Scheme has been initiated and is currently under the process.

2. A perusal of the communication dated 18.06.2026 sent by the Prant Officer, Kheralu to the Executive Engineer, Dharoi Main Dam Divison - 1 , Dharoi Canal , Taluka : Satlasna, indicates that it is communicated therein that inadvertently, the proceedings under Sections 16 to 18 could not be undertaken.

3. Mr. Maulik G. Nanavati, learned advocate appearing for the petitioner invited the attention of the Court to the notification dated 08.09.2025 published under Section 11 (1) of the Act, 2013, wherein it is notified that the Administrator appointed under Section 43 of the Act, 2013 is - Prant Officer, Kheralu. Section 43 (1) of the Act, 2013 shows that the Administrator for Rehabilitation and Resettlement i.e. to undertake the process under Sections 16 to 18 shall be an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department. The learned advocate for the petitioner would submit that a Prant Officer cannot be said to be an officer of equivalent rank to the Joint Collector or Deputy Collector or Additional Collector and as such the appointment of Prant Officer as Administrator for

preparation of rehabilitation and resettlement scheme is contrary to Section 43 of the Act, 2013.

4. Further, from the communication dated 18.06.2026 written by the Prant Officer, Kheralu, appointed as Administrator, notified vide notification dated 08.09.2025 indicates that certain directions were given to the Executive Engineer of the acquiring body namely the Dharoi Canal to conduct a survey and prepare a report pertaining to the proceedings, allegedly initiated under Sections 16 to 18 of the Act, 2013.

5. A reading of Section 16 to 18 of the Act, 2013 indicates that it is the duty of the Administrator to conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which must include the information indicated in Clauses (a) to (e) of Section 16 (1) and prepare a draft Rehabilitation and Resettlement Scheme as provided under Section 16 (2) thereof.

6. Upon preparation of the draft Rehabilitation and Resettlement Scheme, as per the provisions of Section 16 (1)

to 16 (3) of the Act, 2013, the draft Rehabilitation and Resettlement Scheme is to be given wide publicity in the affected areas and to be discussed in the concerned Gram Sabhas or Municipalities. A public hearing is to be conducted in accordance with Section 16 (5) and on completion thereof, a specific report is to be submitted by the Administrator on the claims and objections raised in the public hearing to the Collector.

7. Section 17 provides that the Collector may review the draft Rehabilitation and Resettlement Scheme and then submitted to the Commissioner, Rehabilitation and Resettlement, appointed under Section 44 of the Act, 2013. On submission of draft Rehabilitation and Resettlement Scheme by the Collector in accordance with Section 17 (2), the Commissioner shall cause approval to Rehabilitation and Resettlement Scheme and made it available in local languages and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil shall publish the scheme in the affected areas in the manner as prescribed and upload on the website of the appropriate Government. Section 19 further provides the manner in which the summary of

Rehabilitation and Resettlement Scheme shall be published and declared.

8. From the above noted provisions, it is evident that the preparation of draft Rehabilitation and Resettlement Scheme is the duty of the Administrator, which will be reviewed by the Collector and approved by the Commissioner. Under the scheme of the Act, 2013, the acquiring body i.e. for the benefit of which the land is acquired under the Act, 2013, has no role to play in preparation of Rehabilitation and Resettlement Scheme.

9. When this was pointed out, Mr. Sanjay Udhwani, learned Assistant Government Pleader appearing for the State - respondents would submit that the matter be adjourned for the day to enable him to complete his instructions on the issue as to whether a Prant Officer can be said to be an officer equivalent to a Joint Collector or Additional Collector or Deputy Collector and as such can be appointed under Section 43 (2) of the Act, 2013 as the Administrator for conducting the process of preparation of Rehabilitation and Resettlement Scheme under Section 16 of the Act, 2013.

10. At this stage, we requested Mr. G. H. Virk, the learned Government Pleader to look into the issue to make sure that the process of preparation of the draft Rehabilitation and Resettlement Scheme, which is sought to be initiated after intervention of this Court, is completed strictly in accordance with the procedure prescribed under the Act, 2013. The steps taken by the competent authority for conducting the process under Sections 16 to 18 shall be brought before us alongwith an affidavit of the competent officer from the office of the District Collector, Mahesana.

11. As in the present case, the award under Section 23 of the Act, 2013 determining the compensation for the land in question has been declared on 17.03.2026 without undertaking the process under Sections 16 to 18 for the preparation of the Rehabilitation and Resettlement Scheme inspite of the appointment of an Administrator under Section 43 of the Act, 2013, and the landholders are still in possession of the land in question, we provide that till the Rehabilitation and Resettlement Scheme is prepared and published in accordance with the provisions of Sections 16 to

19 of the Act, 2013, the landholders including the petitioner herein shall not be dispossessed.

12. However, they will be entitled to receive the compensation determined under the land acquisition award declared under Section 23 of the Act, 2013 and will be free to agitate their grievances by making reference in accordance with Section 64. The proceedings of disbursement of compensation under the award declared by the competent authority/Special Land Acquisition Officer shall not be disturbed by the pendency of the present petition.

13. The matter is posted on 14.07.2026.

(SUNITA AGARWAL, CJ)

VARSHA DESAI

(D.N.RAY,J)