

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8551 of 2026**

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GAMIT RAJESHBHAI THAKORBHAI & ORS.**Versus****UNION OF INDIA & ORS.**

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Appearance:**MR. P.V.PATADIYA, ADVOCATE FOR MS ARTI K BHIL(10522) for the**
Petitioner(s) No.**1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,3,4,5,5.1,6,7,8**
,9**MS.HETAL PATEL, AGP 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 : 25/06/2026****ORAL JUDGMENT****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA**
AGARWAL)

1. This is a wholly misconceived petition with the reliefs sought as under :-

“A. Admit and allow this petition;

B. Issue appropriate writ, order or direction to declare Section 3(j) of the National Highways Act, 1956 as unconstitutional and ultra-virus to Article 14 and 21 of the Constitution of India.

C. Issue appropriate writ, order or direction for quashing and setting aside the land acquisition proceedings in pursuant of notification dated 17.03.2009 published in the Gazette of India, Extra Ordinary, Par-II, U/s. 3 Sub Section (ii) of National Highways Act, 1956;

D. Issue appropriate, writ order of direction for quashing and setting aside the amended award dated 09.04.2024 declared by the respondent No.2 herein (annexure C) so far as it stands against the petitioners, on the ground of awarding lesser compensation than demanded by the petitioners.

E. Grant such other and further relief as thought fit in the interest of justice; ”

2. Pertinent is to note that the petitioners herein (28 in number) have filed the present petition with the assertion that they were owners of different lands situated at different villages of Taluka Vyara, Uchchhal, Songadh, District Tapi. Pursuant to the acquisition proceedings conducted under the National Highways Act, 1956 (for short “the Act, 1956”), awards under Section 3G of the Act, 1956 were declared on various dates in the years 2011 and 2012.

3. A statement has been made in the writ petition that a group of Special Civil Application being the leading matter as Special Civil Application No. 13510 of 2015 was filed (without disclosing as to who were the petitioners therein) to submit that amended awards came to be passed on 09.04.2024 thereafter awarding benefits as per the decision in **Union of India & another vs. Tarsem Sing and Others (2019) 9 SCC 304**.

4. The further contention is that the petitioners are affected persons as the compensation determined under the

original award made under section 3G was not satisfactory and the petitioners have made an application under Section 3G5 of the Act, 1956 for appointment of an Arbitrator, even the date of moving of any such application is not indicated in Paragraph No.'2.5' of the writ petition nor any such applications are enclosed therein.

5. The further contention is that the panchnama has not been drawn in a proper manner and the land in question had been snatched away from the petitioners. However, there is no disclosure in the writ petition as to when the petitioners had received compensation under the awards declared in the year 2011-12. All the contentions made in the writ petition are pertaining to the wrong determination of compensation under the original award, which cannot be looked into after around 14 years.

6. The prayer for quashing and setting aside the amended award dated 09.04.2024 without giving any background for making such a prayer is rejected as misconceived. The prayer for quashing of the Notification dated 17.03.2009 under Section 3(ii) for appointment of the Competent Authority

under the Act, 1956 which has declared the award of 2011-12, pursuant to which the petitioners have received compensation is also rejected as misconceived.

7. Third prayer for declaring Section 3J of the Act, 1956 as unconstitutional ultra vires to the Article 14 and 21 of the constitution of India does not survive in view of the decision of the Hon'ble Apex Court in **Tarsem Singh** (Supra).

8. The present petition is accordingly, dismissed with cost of Rs.28,000/- (in total) (Rs.1,000/- to be contributed by each of the petitioners herein) for bringing unscrupulous litigation before this Court, causing unnecessary burden on the Court and wastage of the Court's precious judicial time. The cost shall be deposited with the Registrar General within a period of three weeks failing which the same shall be recovered as arrears of land revenue. The cost so deposited shall be transmitted to the High Court Legal Service Authority.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BINA SHAH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: BINA A SHAH(HC00353), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 06/07/2026 11:22:25