

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2970 of
2025****In R/FIRST APPEAL/1840/2026****With
R/FIRST APPEAL NO. 1840 of 2026**

=====

THE STATE OF GUJARAT & ANR.

Versus

PATEL DHARMABHAI LAVJIBHAI SINCE DECD. THROUGH LHS & ORS.

=====

Appearance:

MS DHWANI TRIPATHI, AGP for the Applicant(s) No. 1,2

MS JEENAL JANI for MR KASHYAP R JANI(8287) for the Respondent(s) No.
1.2,1.3

RULE SERVED for the Respondent(s) No. 1.4,1.5

UNSERVED EXPIRED (R) for the Respondent(s) No. 1.1

=====

CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 27/04/2026****ORDER IN APPLICATION FOR CONDONATION OF DELAY**

Respondent No.1.1 has expired. However, since his heirs are already on record, the appellants seek deletion of name of respondent No.1.1. Permission granted. Necessary amendment to be carried out accordingly in both the CA as well as First Appeal.

Considering the averments made in the application, the same is allowed and delay caused in preferring main matter stands condoned. Rule made absolute to the aforesaid extent.

ORDER IN FIRST APPEAL

Heard learned AGP Ms. Dhvani Tripathi for the appellants and learned advocate Ms. Jeenal Jani for learned advocate Mr. Kashyap Jani for the respondent Nos.1.2 and 1.3.

At the outset, it is to be noted that appeal against the group of the matters, one of the matters being subject matter of this appeal has been disposed of by this Court on 2.4.2026 by condoning delay in First Appeal No.1343 of 2026 and allied matters. This Court passed following order on 2.4.2026.

“Admit. Learned advocate Mr. Vishrut R. Jani waives the service of notice of admission on behalf of respondent No.1.

1. This is an appeal under Section 54 of the Land Acquisition Act challenging the judgment and award passed in LAR Case No.112 of 2017, by which the Principal Senior Civil Judge, Modasa, District: Aravalli in a group of matters i.e. LAR No.110 of 2017 to 113 of 2017, led by LAR Case No.112 of 2017.

2. The State Government feeling aggrieved by the grant of the compensation of Rs.1910/- per sq. mtr. for the acquisition filed this appeal.

3. Having heard learned AGP Ms. Dharitri Pancholi for the appellant and learned advocate Mr. Vishrut R. Jani for the respondent No.1 and considering the order passed by the coordinate Bench in First Appeal No.2311 of 2023, which is in regards to the judgment in LAR Nos.100 to 102 of 2017 and 114 to 122 of 2017 of the same

village and whereby the amount of compensation was assessed higher than the amount of compensation assessed in the present matter.

4. The coordinate Bench was pleased to dismiss the appeal holding as under:-

“9. The learned Reference Court has also relied on award for village Gajan which is at distance of 4.37 kms and therefore has rightly reduced compensation by 20% from the award made for village Gajan in LAR No. 123 to 150 of 2017 which was confirmed in First Appeal No. 2210 of 2022 by the Division Bench of this Court [Coram: Hon’ble Ms. Justice Sonia Gokani and Hon’ble Ms. Justice Nisha M. Thakore] vide judgement dated 11.11.2022 in case of State of Gujarat vs. Heirs of Patel Bhanubhai Shamalbhai Patel.

10. In view of the above, more particularly, since it appears that land situated at Village Gajan, were acquired for the very same purpose and whereas, since it also appears that the same was taken as comparable instance, more particularly, the present land may be having more potentiality than village Gajan and also having regard to the fact that the appeals against judgments of the land reference Court as regards to village Gajan have been rejected by the Division Bench of this Court, therefore, in the considered opinion of this Court, no case for admission of the present appeals are made out.”

5. In view of above, while applying the very same reasons to the present matter, this appeal sans merit and it is accordingly dismissed.

6. Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

7. The learned Reference Court is directed to disburse the amount of compensation deposited by the State Government after deducting Court fee to the claimants along with interest and after due verification and identification and after verifying their right to claim the compensation."

The above order was passed for agricultural land and Rs.1910/- per sq mtr was fixed for the acquisition of the agricultural land. Here in this case, it is non-agriculture land. As per the settled principle, for compensation for NA land, amount has to be fixed by enhancing it to 30%, which comes to Rs.2482/- and granting of such compensation by the learned Reference Court is confirmed.

In view of above, present First Appeal fails and stands dismissed.

Consequently, CA, if any, does not survive and stands disposed of accordingly.

R & P be called for from the concerned Court.

SHEKHAR P. BARVE

(J. C. DOSHI,J)