

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8762 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 6640 of 2026**

=====

LAND ACQUISITION OFFICER AND DEPUTY COLLECTOR BHUJ**Versus****JITENDRA RAMJI RAJDE & ANR.**

=====

Appearance:**MR CHIRAG UPADHYAY, AGP for the Petitioner(s) No. 1****MR SP MAJMUDAR(3456) for the Respondent(s) No. 1,2****MS KRISHNA S SHAH(13157) for the Respondent(s) No. 1**

=====

CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 13/08/2026****COMMON ORAL ORDER**

1. Heard Mr. Chirag Upadhyay, learned AGP for the petitioner in Special Civil Application No.8762 of 2026 and Mr. N.V.Gandhi, learned advocate for the petitioner in Special Civil Application No.6640 of 2026 and Mr.S.P. Majmudar, learned advocate with Ms. Krishna S. Shah, learned advocate for the respondents.

2. At the outset, Mr.Upadhyay, learned AGP would tender affidavit dated 12.08.2026 of Dr.Anilkumar Bhagvandas Jadav, Deputy Collector and Land Acquisition Officer, Bhuj. The same is taken on record. Learned AGP has also informed this Court that deponent of the aforesaid affidavit is present before this Court.

2.1 Learned AGP would submit that pursuance to the order dated 11.08.2026 passed by this Court, aforesaid affidavit is submitted. It is submitted that there was no ill-intention on the part of the officer concerned not to deposit the amount within time, but due to inadvertence mistake, the letter dated 01.08.2026 was addressed in the name of Principal Civil Judge, Bhuj-Kutch. Learned AGP would further submit that the said letter was not directly given to the Judge concerned but it was submitted in the dispatch department of the Court concerned on 03.08.2026.

2.2 Learned AGP would further submit that having noticed the aforesaid mistake, the action has been taken by the petitioner, whereby cheque of Rs.15,55,291/- is deposited today itself with the Executing Court.

2.3 Learned AGP would submit that this Court may take lenient view in the matter and pardon the officer and accept the unconditional apology which is tendered by way of the aforesaid affidavit.

3. *Per contra*, Mr. Majmudar, learned advocate appearing for respondents would submit that aforesaid amount was calculated by respondent – decree holder upto 14.11.2025 and

as per the decree/award passed by the Reference Court, a simple interest of 15% p.a. would run until the amount deposited by the petitioner. It is submitted that both the petitioners are liable to pay interest at the rate of 15% p.a. from 14.11.2025 till 12.08.2026 as the amount as stated in the Execution Petition i.e. Rs.15,55,291/- is deposited today before the Executing Court.

4. Whereas, Mr. Gandhi, learned advocate appearing for the petitioner, under the instructions of his client, would state that without prejudice to the rights and contentions, the petitioner – trust, the trust is ready to share 50% liability of awarded amount, as per the Reference Court's award. It is submitted that though the acquisition proceeding was initiated at the instance of the petitioner – trust, but actual beneficiaries of the acquisition are general public and not the trust.

5. Having heard learned advocates for the respective parties and considering the averments made in the aforesaid affidavit submitted by the officer concerned who is also present before this Court, at this stage, this Court would not like to go further deep into the issue, rather it accepts the unconditional apology of the officer concerned. At the same time, it is put to the notice of the officer concerned that in

future, he should never address any written communication directly in the name of any Judge concerned in respect of pending matter.

6. At the same time, Mr.Majmudar, learned advocate appearing for the respondent – decree holder has correctly submitted that decree holder is entitled to receive interest until the amount is deposited by judgment debtor i.e. petitioners. Since the petitioner – State has deposited the aforesaid amount which was quantified by decree holder while submitting the Execution Petition on 14.11.2025 and the petitioner – trust is also showing its willingness to share 50% of the awarded amount, instead of directing the petitioner – State to deposit the difference of interest amount, let such amount shall be first deposited by petitioner – trust and same shall be adjusted against its 50% liability, as aforesaid.

7. The respondent - decree holder will have to calculate the shortfall in the deposit, i.e., the interest amount and same shall be communicated/supply to petitioner – trust within a week from today. The petitioner- trust is at liberty to submit its counter calculation if any, otherwise upon receipt of such calculation, the judgment debtor - trust within a week from final calculation, shall have to deposit the

shortfall amount of the interest with Executing Court. Such exercise shall be undertaken on or before 11.09.2026.

7.1 So far as the payment of 50% of award amount by the petitioner-trust is concerned, it is open for the petitioner – trust to deposit such amount with the petitioner – State on or before 30.09.2026 wherein it may adjust the aforesaid amount, i.e., shortfall of the interest. Since as per judgment and award passed by Reference Court, both the petitioners herein are jointly and severally liable to pay award amount, the petitioner – State can accept the 50% of award amount which may be deposited by the petitioner – trust with the petitioner-State.

8. The Executing Court is hereby directed to release the amount which is deposited today and shall be deposited by the judgment debtors in favour of respondent – decree holder forthwith, *albeit* in accordance with law.

9. At this stage, Mr. Gandhi, learned advocate for the petitioner – trust would state that during the pendency of execution and due to attachment warrant, some movable assets of petitioner – trust is attached by the Court and same may be released upon deposit of the amount by the petitioner – trust.

9.1. *Per contra*, Mr. Majmudar, learned advocate appearing for the respondent – decree holder would state that respondents have no objection that after deposit of the shortfall of interest amount by the petitioner – trust, the movable assets of the petitioner – trust may be released from attachment and return to the trust.

9.2. The Executing Court is directed to see that once the shortfall of the interest amount will be deposited by the petitioner – trust with the Court, it shall release the attachment and thereby return the movable assets of petitioner – trust to the trust.

10. It is needless to say that once the entire amount will be realized by the decree holder as per award in question, the Executing Court shall finally dispose the Execution Petition, in accordance with law.

11. Since none of the learned advocates are inviting any reasons except what has been observed herein above, this Court would also not like to deal and examine the legality and validity of the impugned orders challenged in respective petitions. Accordingly, both these petitions are disposed of. Notice is discharged. Interim relief granted earlier stand vacated forthwith. No order as to costs.

(MAULIK J. SHELAT, J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 17/08/2026 11:08:54