

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16964 of 2016**

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ASHOKBHAI VITTHALBHAI PATEL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR MK VAKHARIA(1483) for the Petitioner(s) No. 1
MS HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3
NOTICE SERVED BY DS for the Respondent(s) No. 4

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

Date : 11/06/2026**ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. The petitioner herein seeks to submit that the land in question bearing Revenue Survey No.511, Block No.699, admeasuring 01-54-59 Hec.-Are-Sq.Mtrs. [15,459 sq.mtrs.] lying in the sim of Village - Rudel, Taluka - Borsad, District - Anand though had been acquired vide acquisition notifications dated 24.08.1984 and 03.10.1985 under Sections-4 and 6 of the Land Acquisition Act' 1894, but no award so far has been declared with respect to the land in question.

2. The submission in the writ petition is that on the

initiation of the acquisition proceedings, the petitioner filed a Regular Civil Suit No.596 of 1985 wherein an interim injunction dated 24.09.1986 was passed. The said suit was dismissed as withdrawn on 21.02.1989. The contention is that on account of the interim order passed by the Civil Court, it seems that the compensation with respect to the land in question comprising of Block No.699 was not determined under the award dated 29.09.1986. The statements in this regard are made in the writ petition and the submission is that the land in question is liable to be released from acquisition as there is no compensation determined and paid to the petitioner and the possession of the land in question has not been taken by adopting due process of law.

3. However, the affidavit-in-reply has not been filed in a proper manner, inasmuch as the para-wise response to the statement made in the writ petition has not been filed. In the affidavit filed on behalf of the respondent no.2 dated 28.06.2017, only this much is stated that the land in question had been acquired for construction of houses for the people belonging to the marginal sections of the society and during the course of acquisition proceedings, an award dated

29.09.1986 has been passed under Section-11 of the Act' 1894 by adopting due procedure.

4. It is further sought to be stated in the said affidavit that after completion of the acquisition process with the award dated 29.09.1986, the compensation amount of the land in question namely Survey No.511/ Block No.699, admeasuring 01-54-59 Hec.-Are-Sq.Mtrs. [15,459 sq.mtrs.] was deposited under the revenue head before the Mamlatdar. It is submitted that then Manager of the petitioner unit namely one Subhash D. Patel had handed over the possession of the land in question to the Circle Inspector, Taluka Panchayat, Borsad on 04.03.1999. The copy of the possession receipt / panch-rojkam dated 04.03.1999 is appended as Annexure-'R1' to the writ petition.

5. It is further contended that the petitioner did not approach the competent authority for disbursement of compensation rather filed a second suit namely Regular Civil Suit No.87 of 2010 before the learned Principal Senior Civil Judge, Anand seeking declaration to the effect that the land in question be released from acquisition. The said suit has been

dismissed as not maintainable vide judgment and order dated 24.04.2013. The contention then is that after taking over the possession of the land in question on 04.03.1999, the mutation entry No.854 dated 02.06.1999 had been made in the revenue record. A further perusal of Paragraph-‘3.13’ of the writ petition indicates that it is admitted to the petitioner that the possession of the land in question has been taken on 04.03.1999 from one Subhashbhai Desaibhai Patel shown to be Manager of the petitioner.

6. It is the case of the petitioner that the mutation entry was challenged before the Deputy Collector, Petlad by way of RTS proceedings, which has been dismissed and the petitioner further approached to the Collector who has also decided against the petitioner. The challenge to the mutation entry, according to the statement made in the writ petition is pending in revision before the Special Secretary, Revenue Department.

7. Taking note of these facts from the record of the writ petition and the affidavit filed on behalf of the respondent, we are of the view that since the matter is old and there

incomplete and incorrect statements made in the writ petition as well and also the affidavit filed on behalf of the respondent no.2 is not a para-wise reply to the contents of the writ petition, the entire original record pertaining to the acquisition in question, (with respect to the land in question) shall be placed before the Court on the next date fixed.

8. Ms. Hetal Patel, learned Assistant Government Pleader appearing for the State respondent shall produce the entire record pertaining to the acquisition of the land in question, making of the award and taking of possession as stated in the affidavit of respondent no.2, on the next date fixed.

Put up this matter on **22.06.2026 at 12:30 p.m.**

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: ARUNA BHARATSINGH VAGHELA(HC01079), PRIVATE SECRETARY, at High Court of Gujarat on 15/06/2026 18:29:37