

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 : 22/06/2026

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

1. From the original record of the acquisition proceedings placed before us under the order dated 11.06.2026, it is evident that through Sections 4 and 6 notifications published under the Land Acquisition Act, 1894, three parcels of land comprising of Survey No. 510, 511 and 512 of Village: Rudel, Taluka: Borsad, District: Kheda were acquired for the public purpose of construction of houses for homeless people under the Government of India Scheme. However, the said acquisition proceedings has not been brought to its logical end with respect to Survey No. 511, inasmuch as, the award

dated 29.09.1986, though has been declared therein but it was confined to two plots namely Survey Nos. 510 and 512, only.

2. On a query of the Court, it is submitted by Ms. Hetal Patel, learned Assistant Government Pleader appearing for the State - respondent that no award determining compensation of the land in question namely Survey No. 511, Block No.699 has been declared so far. A copy of the panchnama dated 04.03.1999 has been brought on record to assert in the affidavit filed on behalf of the respondent that the paper possession of the land in question has been taken, but the fact remains that in the absence of an award under Section 11 of the Act, 1984, it was not open for the Collector to take possession of the land in question in view of Section 16, inasmuch as, the urgency Clause under Section 17 (1) has not been invoked in the acquisition in question. Taking of possession of acquired land without declaration of the award under the Scheme of the Act, 1894 was permitted only in a case where urgency clause under Section 17 (1) was invoked, empowering the Collector to take possession of any land needed for public purpose on the expiration of 15 days from

the publication of notice under Section 9 (1) of the Act, 1996, though no award has been made.

3. In this scenario, the possession memo prepared with respect to the land in question on 04.03.1999 is liable to be ignored. Even otherwise, it is the categorical case of the petitioner that the person from whom possession is alleged to have been taken, is not the owner/land holder of the land in question.

4. In this scenario, the prayers made in the present petition for quashing of the entire acquisition proceedings with respect to Survey No. 511, Block No. 699, admeasuring 01-54-59 Hec.Are.-Sq.Mtrs.(15,459 sq.mtrs.) in the sim of Village: Rudel, Taluka: Borsad, District: Anand (erstwhile District: Kheda) is hereby granted, the acquisition proceedings having been lapsed for non declaration of award under the Land Acquisition Act, 1894.

5. Suffice is to say that the acquisition proceedings have not been concluded in the present case and the petitioners continued in actual physical possession of the land in question and the paper possession is found to be sham and bogus, the

entire acquisition proceedings stood lapsed. The land in question shall remain in the ownership and possession of the petitioners herein and the record of the proceedings pertaining to the land in question be accordingly, corrected.

6. With the above, the present petition stands allowed. No order as to costs.

(SUNITA AGARWAL, CJ)

VARSHA DESAI

(D.N.RAY,J)

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: ARUNA BHARATSINGH VAGHELA(HC01393), PRIVATE SECRETARY, at High Court of Gujarat on 29/06/2026 16:03:37