

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9903 of 2025**

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SHREE ASHOK OIL MILLS PETROLEUM PRODUCTS DIVISION & ANR.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MS MEGHA JANI WITH MR MIT S THAKKAR(11223) for the Petitioner(s) No. 1,2
MR JENIL PARIKH AGP for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 18/07/2025

ORAL ORDER

1. Heard learned advocate for the petitioners. It is submitted that the petitioners are in possession of the land bearing Survey No.65 Paiki (Old Survey No.447) admeasuring, 2,083 sq. mts. at Village Harshadpur, Taluka Khambhaliya, District Jamnagar for operating a petrol pump on the Government waste land. The petitioners are owners of the licensed petrol pump on the said land. The grant of permission to use the said land was initially for a period of 7 years from 01.08.1967 at the rate of Rs.31.25 per annum. That thereafter, the petitioners lease came to be extended from time to time for a period of 7 years till the year 2004. That thereafter by communication dated 07.02.2004, the Collector, Jamnagar intimated the petitioners to deposit a rent at the rate of Rs.130 per sq. mt. for the period starting from 01.08.1995 to 31.07.2002. An order was also passed on 29.07.2004 granting ex-post facto extension of lease to the petitioners in view of the G.R. dated 18.10.2003 passed by the Revenue Department. It is the case of the petitioners that the lease be renewed thereafter. The petitioners also addressed a communication reiterating their request for renewal of lease from 01.08.2002 to 31.07.2009 and

thereafter to extend it for such a time period so as to make it permanent lease. That though the petitioners were pursuing the matter, by communication dated 01.08.2013, the Mamlatdar, Khambhaliya addressed a communication to the Junior Town Planner, Khambhaliya for determining the valuation of the land. The petitioners were thereafter informed by Talati, Harshadpur in the year 2017 that the rent till the year 2017 would be Rs.5,14,140/- which also came to be deposited by the petitioners. That on 02.11.2018, the District Valuation Committee held a meeting and the valuation of the land came to be decided in the said meeting. The determination of the market value of the land was divided into three parts for the year 2002, 2007 and 2012. By a communication dated 09.01.2019, the petitioners were called upon to pay the difference in value of rent determined by Government, including interest and taxes thereon since the petitioners were paying fixed rent of Rs.34,276/- per annum. That the petitioners were called upon to pay rent, interest and arrears in terms of the decision of the District Valuation Committee. The petitioners by letter dated 15.06.2020 asked for the details of the amount determined towards the rent. That despite various communications between the parties, no clarification was given to the petitioners by the Government. By communication dated 06.03.2025, the Mamlatdar, Khambhaliya informed the petitioners to pay the amount as determined by the Talati, failing which, the possession of the subject land shall be resumed by the State Government and the arrears would be recovered as arrears of land revenue. The petitioners gave a reply to the said letter on 04.04.2025. That thereafter, the petitioners were once again called upon to pay the amount of rent as calculated. That since the petitioners grievance was not being redressed and the petitioners were paying rent as per the old rate, by communications dated 07.07.2025 and 11.07.2025, the petitioners have been called upon to hand over the possession of the subject land

to the Circle Officer on 15.07.2025 and directed to remove the stock and chemicals as well as tangible items from the premises. Learned advocate for the petitioners submits that as per the calculation given by the Mamlatdar, Khambhaliya which is annexed to the petition at page-20, the petitioners have been called upon to pay difference in the rent along with the interest thereon from the year 2002 till the year 2025 amounting to Rs.20,52,75,517.6 for the area of 1,742 sq. mts. at Village Harshadpu. She submits that despite various representations, the petitioners have not been disclosed as to on what basis such huge amount has been calculated towards the difference in the rent.

2. Issue Notice returnable on 25.08.2025.

2.1 Mr. Jayneel Parikh, learned AGP waives service of notice for the respondent Nos.1 to 3.

2.2 In addition, Direct Service is permitted for the respondent Nos.2 and 3.

3. In the meantime, status-quo as on today shall be maintained till the next date of hearing.

KAUSHIK D. CHAUHAN

(ANIRUDDHA P. MAYEE, J.)