

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 20299 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 19003 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 20425 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 20426 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 20615 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 22678 of 2019**=====
SOLANKI JAVANJI DAHYAJI SINCE DECEASED THROUGH HEIRS & ORS.**Versus****STATE OF GUJARAT & ORS.**
=====**Appearance:****ADVOCATE NOTICE SERVED for the Petitioner(s) No. 9****ADVOCATE NOTICE UNSERVED for the Petitioner(s) No. 21,5.1****DECEASED LITIGANT for the Petitioner(s) No. 1.1,15,16,2,2.2,2.4****DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES****for the Petitioner(s) No. 1,12,17,3,4,5****MR ADITYA S PATEL(12087) for the Petitioner(s) No.****10,11,1.2,12.1,12.2,12.3,12.4,13,1.3,14,17.1,17.2,17.3,18,20,2.1,22,2.3,2.5,3.****1,3.2,4.1,4.2,5.3,5.4,5.5,5.6,6,7****MR C B UPADHYAYA(3508) for the Petitioner(s) No. 2.6****MR SANJAY UDHWANI, ASSISTANT GOVERNMENT PLEADER for the****Respondent(s) No. 1,2,3**
=====**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.****JUSTICE SUNITA AGARWAL****and****HONOURABLE MR.JUSTICE D.N.RAY****Date : 31/08/2026****ORAL JUDGMENT****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. By means of the present set of writ petitions pending since 2019, the petitioners herein seek to challenge the orders of rejection of applications under Section 18 of the Land

Acquisition Act, 1894 passed by the Collector/ Deputy Collector/ Land Acquisition and Rehabilitation Officer for Dharoi Vatrak and other schemes on the ground of delay.

2. The petitioners herein would submit that that in a land acquisition proceedings, with respect to the land-in-question, the land acquisition award was passed on 29.06.2005 under Section 11(1) of the Land Acquisition Act, 1894. No notice as prescribed under Section 12(2) of the Land Acquisition Act, 1894 was ever served on the petitioners. The petitioners, however, filed their applications before the Special Land Acquisition Officer objecting to the land acquisition award, which was inadvertently misplaced. The application under Section 18 was filed on 29.06.2006. The said application was proceeded after a period of 11 years when by a notice dated 02.02.2017, the petitioners were required to remain present before the Deputy Collector/ Land Acquisition Officer to show cause as to why the reference applications moved by them may not be rejected on the ground of delay. A reminder to the said notice was again received on 07.06.2017 in the shape of show cause notice.

3. The petitioners filed a detailed reply dated 19.06.2017 to the show cause notice dated 07.06.2017. While submitting that no notice under Section 12(2) as well as the certified copy of the award was ever served upon them. Another show cause notice dated 11.05.2018 came to be issued by the Special Land Acquisition Officer before rejection of the applications by order dated 18.07.2018.

4. It is submitted by the learned counsel for the petitioners that issuance of show cause notices after 11 years of filing of the applications under Section 18 calling upon the petitioners to show cause as to why their applications be not rejected on the ground of delay makes it evident that the Deputy Collector/ Land Acquisition Officer has proceeded with a predetermined mind, and later rejected the applications under Section 18 vide orders impugned without giving any reason therein.

5. It is further submitted that the specific stand of the petitioners that no notice under Section 12(2) of the Land Acquisition Act, 1894 as well as certified copy of the award was ever served upon the petitioners has not dealt with in the

orders impugned. The orders impugned suffer from vice of principle of natural justice and being bereft of reasons, cannot be allowed to stand.

6. In response to the said stand of the petitioners in the writ petitions, suffice is to note that the order impugned of rejection of applications under Section 18 of the Land Acquisition Act, 1894 does not state the reasons for rejection and does not give any other reason of rejection of the applications under Section 18 other than stating that the applications deserve dismissal because of the delay.

7. The specific stand of the petitioners explaining the delay in filing the applications under Section 18 have not been dealt with. This is sufficient to set aside the orders impugned. However, it may also be noted that in the affidavit-in-reply filed on behalf of the Competent Authority/ Deputy Collector, Land Acquisition Officer, it is admitted that no record of notice under Section 12(2) of the Act, 1894 could be found in the office of the Special Land Acquisition Officer, which further substantiates the stand of the petitioners that they have not been duly served with the mandatory notice of

intimation of the award under Section 12(2) of the Act, 1894.

8. For the aforesaid, the orders of rejection of applications under Section 18 filed by the petitioners in the year 2006, are hereby quashed and set aside. The Deputy Collector/ Special Land Acquisition Officer is directed to forward the applications for making reference moved by the petitioners before the Competent Civil Court for registering the case under Section 18 of the Act, 1894 for its decision on merits. The process of forwarding of the applications, filed by the petitioners in the year 2006, to the competent court shall be completed within a period of two weeks from the date of receipt of the copy of this order.

9. With the above, the present set of writ petitions stand allowed. No order as to costs.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA