

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 19534 of 2018**

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PATEL JAMNABEN MANGALDAS

Versus

THE DEPUTY COLLECTOR AND SPECIAL LAND ACQUISITION
OFFICER(NARMDA YOJNA)

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Appearance:

MR AV PRAJAPATI(672) for the Petitioner(s) No. 1

NOTICE SERVED BY DS(5) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE N.V.ANJARIA

and

HONOURABLE MR. JUSTICE A.C. RAO

Date : 06/04/2021

ORAL ORDER**(PER : HONOURABLE MR. JUSTICE N.V.ANJARIA)**

What is prayed in this petition is as under.

“to direct the Respondent herein to provide any proof of receipt of the amount pursuant to the Award and service of notice under Section 12 (2) of the Act and if not in a position to provide the same, then, Hon’ble Court may direct the Respondent to accept the Reference Application under Section 18 of the Act by treating the same in the limitation and referred the same to the District Court. ”

2. Today when the petition comes up pursuant to the issuance of notice, learned Assistant Government Pleader Mr.Hardik Mehta produces copy of notice dated 27.3.2012 stated to have been issued under Section 12(2) of the Land Acquisition Act, 1894. By producing the said notice, learned Assistant

Government Pleader tried to submit that the notice was served on the petitioner. However, atleast from the notice, the factum of service thereof on the petitioner is not reflected.

3. It is required that respondents file their affidavit-in-reply stating on oath and showing the factum of service of notice on the petitioner beyond pale of dispute.

4. Learned Assistant Government Pleader shall also take instructions and state before the Court, may be as part of affidavit-in-reply, as to whether the mutation entry was recorded in respect of acquisition in question.

5. The affidavit-in-reply with such other grave details shall be filed before the next date. Stand over to 27.4.2021.

(N.V.ANJARIA, J)

(A. C. RAO, J)

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