

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 3899 of 2023**

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STATE OF GUJARAT & ANR.
Versus
AJMOLBHAI KAHYABHAI MASAR & ORS.

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Appearance:
MS.KIJNAL VYAS AGP for the Appellant(s) No. 1,2
KASHYAP R JANI(8287) for the Defendant(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 11/08/2026

JUDGMENT

1. The present First Appeal is filed under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure, 1908 (for short "the Code") at the behest of the State Government, challenging the common judgment and award dated 28.02.2022 passed by the learned Principal Senior Civil Judge, Bayad, Arvalli in Land Reference Case Nos.190 of 2017 to 192 of 2017, whereby the learned Reference Court granted additional compensation of Rs.995/- per sq. mtr. to the claimant/s.

2. By the impugned common judgment and award, three Land Reference Cases have been decided, namely, Land Reference Case No.190 of 2017, Land Reference Case No.191 of 2017 and Land Reference Case No.192 of 2017. The State Government, surprisingly, did not choose to prefer an appeal against the judgment and award in Land Reference Case No.192 of 2017, but has challenged the judgment and award passed in Land Reference Case Nos.190 of 2017 and 191 of



2017. So far as Land Reference Case No.190 of 2017 is concerned, First Appeal No.3898 of 2023 has been disposed of by this Court by a separate order, mainly on the ground that the amount involved in the appeal is meager.

3. In view of the aforesaid backgrounds, the facts of the present case are required to be considered.

3.1 The land in question, situated at Village Ankaliya, Taluka Malpur, District Sabarkantha, was acquired for the construction of four-lane highway from Shamlaji to Godhra by a notification issued under Section 4 of the Act and published on 28.01.2008, followed by the final notification under Section 6 of the Act, published on 06.08.2008. After affording an opportunity of hearing to the concerned parties, the Special Land Acquisition Officer, in exercise of the powers under Section 11 of the Act, awarded compensation for the open land at the rate of Rs.5.50 per sq. mtr.

3.2 Being aggrieved, claimant preferred Reference under Section 18 of the Act, claiming additional compensation of Rs.1,000/- per sq. mtr. for the open land and Rs.3,00,000/- towards the house before the learned Reference Court, Bayad, District, Arvalli.

3.3 The learned Reference Court, after permitting both the parties to lead evidence, passed the aforesaid judgment and award, granting additional compensation at the rate of Rs.995/- per sq. mtr.



3.4 Being aggrieved by the aforesaid judgment and award, the original opponent - State has preferred the present appeal.

4. Heard learned AGP Ms. Kinjal Vyas, appearing for the appellant-State, and learned advocate Mr. Kashyap Jani, appearing for the landowners - respondents.

5. Learned advocate Mr.Jani placed reliance upon the judgment of this Court passed in First Appeal No.4476 of 2024 and allied matters on 27.07.2026, whereby, in identical facts situation, concerning the same village and the very same public purpose, this Court affirmed the finding of the learned Reference Court granting compensation at the rate of Rs.1,000/- per sq. mtr. in total for the land acquired in Village Ambaliya, Taluka Malpur, Dist. Sabarkantha.

5.1 He further submitted that the notifications under Section 4 of the Act in both matters were issued on the same date and there is a distance of barely 3 to 4 kms. between Village Ambaliya and Village Ankaliya. Therefore, he submitted that the judgment and findings recorded by this Court in First Appeal No.4476 of 2024 would *pari passu* apply to the facts of the present case.

6. Learned AGP Ms. Kinjal Vyas, having gone through the judgment of this Court passed in First Appeal No.4476 of 2024 and allied matters and submitted that, in view of the



facts and circumstances of the present case, this Court may pass an appropriate order.

7. In paragraphs 6, 7, 8 and 9 of the judgment in First Appeal No.4476 of 2024, this Court has assigned the following reasons for dismissing the appeal preferred by the State Government:

6. *It is an incontrovertible fact that, in respect of the notification issued in the year 1992, the Land Reference Case No.1514/2010 for Village Malpur was decided in the year 2010, wherein the learned Reference Court determined the compensation at Rs.565/- per sq. mtr as compensation. In Land Reference Case No.73 of 1999, where the notification was issued prior to the 1998 for Village Ramgadhi, learned Reference Court fixed the the compensation at Rs.1,000/- per sq. mtr. Further, in LAR Case No.960 of 2010, Notifications under Sections 4 and 6 were published in the year 2005 and 2006 respectively, which also pertains to the acquisition of land in Village Ramgadhi, the compensation was determined at Rs.1120/- per sq. mtr. The present acquisition pertains to Village Ambaliya, which is approximately 8 kms. away from Village Ramgadhi. It also appears that the purpose of acquisition in all the villages is the same, for construction of a highway from Godhra to Shamlaji. All the villages are adjoining, and their boundaries are contiguous.*

7. *In the present case, notifications under Section 4 and 6 were published in the year 2008. The orders of the learned Reference Court produced at Exs.98, 103 & 104, as referred to earlier in this judgment, reveal that the notification under Section 4 and 6 in those cases were published much prior in point of time to the notifications in the present case. The awards granting compensation at the rates of Rs.565/-, Rs.1,000/- and Rs.1,125/- per sq. mtr. for earlier notifications have been accepted by the State Government.*

8. *Learned AGP, in utter fairness, submitted that the State Government has complied with the orders referred to hereinabove at Exs. 98, 103 & 104.*

9. *In view of the above, according to this Court, the*



learned Reference Court has not committed any error in fixing the rate of Rs.1,000/- per sq. mtr. as the total compensation. Learned AGP, in the aforesaid circumstances, failed to point out any valid reason to interfere with the impugned common judgment and award. Hence, the present First Appeals stand dismissed. Interim relief, if any, stands vacated. Record and proceedings, if any, be sent back to the concerned Court.

8. The facts remain that there is a distance of barely 3 to 4 kms. between Village Ankaliya and Village Ambaliya, and the lands acquired from both the villages were acquired for one and the same public purpose, namely, the construction of the highway from Godhra to Shamlaji, pursuant to notifications issued under Section 4 of the Act on the same date. These facts indicate that the reasons assigned by this Court in First Appeal No.4476 of 2024 would *pari passu* apply to the facts of the present case.

9. Accordingly, the present First Appeal stands dismissed. Interim relief, if any, stands vacated. R&P, if any, be sent back to the concerned Court.

10. The learned Reference Court shall disburse the remaining amount of compensation to the claimant/s in accordance with law.

11. Connected Civil Application, if any, does not survive and stands disposed of accordingly.

MANOJ

(J. C. DOSHI,J)