

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7348 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 - Yes

2 to 5 - No

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LALAJI MADHAJI

Versus

OFFICER ON SPECIAL DUTY (LAND ACQUISITION)

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Appearance:

MR GM AMIN for Petitioners

MR UDAY BHATT, ASSTT. GOVERNMENT PLEADER for  
Respondents Nos. 1, 3

SERVED BY DS for Respondent No. 2

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CORAM : MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 30/12/97

ORAL JUDGEMENT (Per: C.K.Thakkar,J.)

This petition is filed for an appropriate writ,  
direction or order directing the respondent No.1, Officer

on Special Duty (Land Acquisition), Ahmedabad to declare award for the land belonged to the petitioners in the sim of Village Nikol, Taluka City, District Ahmedabad and by directing the respondents to disburse the amount of compensation to the petitioners.

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#. Notice was issued by Division Bench on October 7, 1997 and was made returnable on October 22, 1997. The learned counsel for the petitioners states that he has served all the respondents. Mr.Uday Bhatt, learned Assistant Government Pleader appears on behalf of respondents Nos.1 and 3. Mr.Amin states that in the present petition, he does not claim any relief against respondent No.2. Hence, his presence, so far as the present petition is concerned, is necessary. Rule. Mr.Bhatt appears and waives service on behalf of respondents Nos.1 and 3. In the circumstances of the case, the matter is taken for final hearing today.

#. A grievance made by the learned counsel for the petitioners is that after an application was made by the petitioners under sec.28-A of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), an award was prepared by the Land Acquisition Officer. It was, however, not declared. The petitioners, therefore, were constrained to approach this Court by filing a petition which came to be allowed and Mandamus was issued to the Officer to declare the award within a stipulated period. In spite of that, it was not done by the Land Acquisition Officer on the ground that meanwhile the matter has reached the Apex Court. Mr.Amin states that at one stage the proceedings had gone to the Hon'ble Supreme Court. He, however, drew our attention to an order passed by the Hon'ble Supreme Court on August 8, 1997 by which various civil appeals came to be disposed of. He stated that as on today, no matter is pending either in this Court or in the Supreme Court. He, therefore, submitted that now there is no earthly reason not to declare award by the Land Acquisition Officer.

#. In the facts and circumstances of the case, it is directed that the respondent No.1 will declare award as expeditiously as possible preferably before February 16, 1998. Liberty to apply in case of difficulty. In the facts and circumstances of the case, no order as to costs.

Sd/-

(C.K.Thakkar,J.)

Sd/-

Dt:30-12-1997 (R.P.Dholakia,J.)

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