

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 497 of 2012**  
**To**  
**FIRST APPEAL No. 516 of 2012**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAJESH H.SHUKLA**

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1 Whether Reporters of Local Papers may be  
 allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy  
 of the judgment ?

Whether this case involves a substantial question  
 4 of law as to the interpretation of the constitution  
 of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**STATE OF GUJARAT THROUGH SPECIAL LAND ACQUISITION  
 OFFICER & 1**

**Versus**

**VASANTBHAI RATILAL PATEL**

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**Appearance :**

MR RONAK RAVAL AGP for Appellants

None for Respondent

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**CORAM : HONOURABLE MR.JUSTICE RAJESH H.SHUKLA**

**Date : 29/02/2012**

**ORAL JUDGMENT**

[1] The present First Appeals have been filed under Section 54 of

the Land Acquisition Act, 1984 r/w. Section 96 of the Civil Procedure Code, 1908 by the appellants challenging the impugned judgment and award passed in Land Acquisition Reference Cases No.284/2004 to 307/2004 (Main Land Acquisition Case No.301/2004) dated 31.12.2010 by the Reference Court [learned 3<sup>rd</sup> Additional Senior Civil Judge, Himmatnagar] on the grounds mentioned in the memo of First Appeals.

[2] Heard learned AGP Mr.Ronak Raval for the appellants.

[3] Learned AGP Mr.Ronak Raval for the appellants referred to the impugned judgment and award of the Reference Court and contended that the Reference Court ought to have considered the material evidence. He further submitted that the Reference Court has failed to appreciate that in other cases, the compensation has been awarded after the verification of the statement of sale instances received from Talati-Cum-Mantri i.e. before five years, however, this aspect has not been considered. He submitted that the Reference Court has erred in appreciating that without any evidence on record, it cannot be presumed that the land acquired before eight years are of similar nature or comparable to the land acquired in the present case. He, therefore, submitted that when there is no evidence with regard to the nature of the land and other aspects, the enhancement could not have been made in the impugned order. Learned AGP fairly stated referring to the instruction which he received vide communication

dated 10.02.2012 that in case of other Land Reference Cases No.4/1994 to 14/1994 of the same village the award of the Reference Court has not been challenged by way of First Appeals and it has been accepted.

[4] The submissions which have been made are required to be appreciated in the background of the facts as well as discussion made in the judgment and award of the Reference Court. The Reference Court itself has discussed in detail with regard to the nature of the land and also considered the lands which have been acquired in Village Pural for which earlier reference has been decided. On that basis, the present references have also been decided. Therefore, if the lands acquired in the present cases are also of the same village having similarity in terms of the nature of the lands, yield as well as location, it cannot be said that the impugned award passed by the Reference Court is erroneous which would call for any interference in the present appeals. In fact, the Reference Court has discussed this aspect in the order in detail with regard to the earlier references and having considered the aspects of valuation relying upon the settled principles, the judgment and award has been passed. Therefore, the present appeals deserve to be dismissed and accordingly stand dismissed.

**[ RAJESH H. SHUKLA, J. ]**

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