NEUTRAL CITATION
2026:GUJHC:32468

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 228 of 2025
With
R/FIRST APPEAL NO. 226 of 2025
With
R/FIRST APPEAL NO. 229 of 2025
With
R/FIRST APPEAL NO. 230 of 2025
With
R/FIRST APPEAL NO. 232 of 2025
With
R/FIRST APPEAL NO. 233 of 2025
With
R/FIRST APPEAL NO. 234 of 2025
With
R/FIRST APPEAL NO. 236 of 2025
With
R/FIRST APPEAL NO. 238 of 2025
With
R/FIRST APPEAL NO. 239 of 2025
With
R/FIRST APPEAL NO. 240 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI ***Sd/-***

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Approved for Reporting	Yes	No
		No

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BHAGWANJI GOVINDBHAI
Versus
DEPUTY COLLECTOR & ANR.

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Appearance:
MR KRUSHNAKANT D PATEL(10632) for the Appellant(s) No. 1
MR TEJAS P SATTA(3149) for the Appellant(s) No. 1
MR. SHAILESH DESAI, AGP for the Defendant(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 07/05/2026
JUDGMENT

1. The common judgment in Land Reference Case No.218 of 2006 to 233 of 2006, keeping main LRC No.218 of 2006 as lead matter, has been passed by the learned Reference Court on 15.12.2018 granting the present appellants the additional compensation of Rs.22/- per sq.mtr. for irrigated land and Rs.16/- per sq.mtr. for non-irrigated land with interest and other statutory benefits, is assailed by the original claimants having been aggrieved, under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act').

2. At the outset, learned advocate Mr. Tejas P. Satta appearing for the respective appellants in all the matters, submitted that the learned Reference Court ignored the valuation of the Valuation Committee determining the value of the land, which is allotted to the Umiya Mata Temple Trust at Rs.200/- per sq.mtr. in the village Sidsar.

2.1 He would submit that the present acquisition is made in Village Gingni, which is just adjacent to Village Sidsar. The learned Reference Court was required to take the exemplar instead of doing exercise to take up the value of the crops and the standing trees, etc. to determine the just and true compensation.

2.2 He would further submit that in the group of the Land Reference Cases Nos.196 of 2007 to 210 of 2007 & Land

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Reference Cases Nos.203 of 2006 to 217 of 2006, the very same Reference Court has decided the additional compensation of Rs.192.62/- per sq.mtr.

2.3 He would further submit that the order passed by the learned Reference Court in the aforesaid reference cases has been accepted by the State Government as up till now no appeal has been filed.

2.4 Putting the similarity to the case, he would submit that, in the case on hand, the Notification under Section 4 was published on 09.12.2004 for the Village Gingni, whereby land was acquired for the irrigation project of Fulzar (Ko. Ba.) Irrigation Project and whereas, in a group of the Land Reference Cases Nos.196 of 2007, the Notification under Section 4 was published on 23.02.2005 and it was a land acquired for the purpose of the same irrigation project. Therefore, he submits that in a similar facts situation, the learned Reference Court has passed two different and distinct awards.

2.5 Learned advocate Mr. Tejas P. Satta submits that taking up of the exemplar method is a recognized method to assess the compensation. He would further submit that, unfortunately the claimants could not face the judgment of the Land Reference Cases Nos.196 of 2007 and allied matters before the learned Reference Court, and thereby, has got the compensation much lesser than it has to be awarded.

2.6 He would further submit that there might be a difference in the land of village Gingni and village Sidsar, but since the land were acquired for the similar public purpose in

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the similar time period, the learned Reference Court was required to take into consideration the judgment arrived at in the Land Reference Case, more particularly when there is colossal difference between the grant of compensation in both the matters.

2.7 He would further submit that it is a duty of the learned Reference Court to grant the just and adequate compensation to the land owners, who have lost their land.

2.8 In the aforesaid argument, he would submit to remand the matters for fresh hearing in accordance with law.

3. Learned AGP Mr. Shailesh Desai, except arguing that the difference of commercial viability of the land of village Gingni and village Sidsar and taking up the judgment and award for the land acquired in the village Sidsar would concede the submission. In nutshell, he would submit that the learned Reference Court ought to take into consideration the difference of the commercial viability of the land of village Sidsar and village Gingni at the time of deciding the just and fair compensation.

4. In the midst of aforesaid arguments, what persuaded this Court that the approach of the learned Reference Court is against the rudimentary facts. Ordinarily, if exemplar is available and the judgment and award passed in land acquisition cases is accepted by the State Government, it would be the best example to determine the compensation. However, at that time, it would be the duty upon the learned Reference Court to examine the

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commercial viability and valuation of the land of adjoining villages.

5. In the aforesaid circumstances, without delving further into the merits of the appeals, even without further recording the statement that the judgment of Land Reference Cases Nos.196 of 2007 and allied mattershas been accepted by the State Government, I find that if the matters are remanded back to the learned Reference Court for fresh hearing in accordance with law, permitting both the parties to lead the evidence, it would be in the best interest of justice.

6. Consequently, all the appeals are allowed in the aforesaid terms. The impugned judgments and awards are quashed and set aside. The land reference cases are hereby remanded and restored to the proceedings before the learned Reference Court for fresh hearing.

7. Both the parties are at liberty to lead the evidence.

8. The learned Reference Court is directed to decide the reference within 06 months from the date of receipt of the copy of the judgment.

9. Since all the appeals are filed in delay, the delay as per the orders passed in the respective CAs, the claimants are not entitled to claim the interest on the additional amount of compensation for the delayed time period.

10. In that circumstances, the delay in preferring the respective appeals shall be counted as per the table as under:-

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Sr. No.	LAR No.	R/CA No.	R/FA No.	Delay Days
1	218/2006	5150/2024	234/2025	2027
2	220/2006	5608/2024	239/2025	2027
3	221/2006	5694/2024	240/2025	2049
4	222/2006	5132/2024	226/2025	2027
5	224/2006	5333/2024	238/2025	2027
6	226/2006	5139/2024	228/2025	2027
7	227/2006	5154/2024	236/2025	2027
8	228/2006	5140/2024	229/2025	2027
9	230/2006	5146/2024	232/2025	2027
10	231/2006	5141/2024	230/2025	2027
11	233/2006	5149/2024	233/2025	2027

11. Any amount deposited pursuant to the impugned awards, which are lying before the Registry of the learned Reference Court, shall remain with the Registry and shall be subject to the outcome of the fresh decision arrived in the land reference cases.

12. Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

13. Copy of this judgment be kept in all the matters.

Sd/-
(J.C. DOSHI, J.)

Raj

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