IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1862 of 2012
With
R/FIRST APPEAL NO. 2910 of 2014
With
R/FIRST APPEAL NO. 3148 of 2014
With
R/FIRST APPEAL NO. 3149 of 2014
With
R/FIRST APPEAL NO. 3150 of 2014
With
R/FIRST APPEAL NO. 68 of 2015
With
R/FIRST APPEAL NO. 70 of 2015

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

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Approved for Reporting	Yes	No

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SHAH RAMESHBHAI AMRUTLAL
Versus
SPECIAL LAND ACQUISITION OFFICER & ANR.

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Appearance: First Appeal No. 1862 of 2012
MR.PINANK J RAIYANI(10166) for the Appellant(s) No. 1
MS. SURBHI BHATI, AGP for the Defendant(s) No. 1
MR AKSHAT KHARE FOR MOSON LE EXPARTS(11071) for the Defendant(s) No. 2
Appearance: First Appeal No. 2910 of 2014
MR. AV PRAJAPATI for the Appellant(s) No. 1
MS. SURBHI BHATI, AGP for the Defendant(s) No. 1
MS AISHWARYA REDDY WITH MS NEHA MUKHARJEE for Trivedi & Gupta for the Defendant(s) No. 2
Appearance: First Appeal No. 3148, 3149, 3150 of 2014
MR.AV PRAJAPATI for the Appellant(s) No. 1
MS. SURBHI BHATI, AGP for the Defendant(s) No. 1
MR NIYATI CHAUHAN WITH MR RUTURAJ MEENA for the Defendant No. 2
Appearance: First Appeal No. 68 of 2015 & 70 of 2015
MS. AISHWARYA GUPTA WITH NEHA MUKHARJEE for Trivedi & Gupta for the Appellant
MR YH MOTIRAMANI for the Defendant

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CORAM:**HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 01/09/2026

COMMON ORAL JUDGMENT
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. Since the issues raised in the captioned appeals are same, the appeals are being disposed of by this common judgment and order.

2. The respondents Oil and Natural Gas Corporation Ltd ('ONGC' for short), for the purpose to establish their drilling project, had proposed to acquire different parcels of lands situated in the district : Mehsana, Gujarat.

3. In the present case, the Special Land Acquisition Officers, ONGC being acquiring body, had acquired the lands of village: Ambaliyara, Kadi, Dist.: Mehsana for the purpose of drilling project (JRAI).

4. The captioned appeals under Section 54 of the Land Acquisition Act (for short, 'L.A. Act'),

5. Being dissatisfied with the orders of the Land Reference Courts, the captioned Appeal Nos.1862 of 2012, 2910 of 2014, 3148 of 2014, 3149 of 2014, 3150 of 2014 are being filed by the Land Owners for further enhancement of the amount of compensation, whereas, First Appeal Nos. 68 of 2015 and 70 of 2015 are being filed by the acquiring body i.e. ONGC against the Award of the

Land Reference Court.

6. Brief facts giving rise to file the appeals are as follows:

7. **(i) First Appeal No. 1862 of 2012**:

This appeal by the Land Owner Shah Ramesh Amrutlal is directed against the judgment and award dated 30.07.2011 passed in Land Acquisition Reference Case No. 474 of 2009, wherein, the market value at the rate of Rs.69/- per sq.mt was being determined for the land situated at village: Ambaliyara.

The necessary details of acquisition are as follows :

A notification dated 12.03.2003 under Section 4 (1) of the L.A. Act was published for the acquisition of the land under acquired, followed by the declaration under Section 6 of the L.A. Act. The Land Acquisition Officer, vide Award dated 19.01.2004, awarded compensation at the rate of Rs.18=70ps per sq. mt. The land owner being dissatisfied with the amount of compensation, sought Reference under Section 18 of the L.A. Act claiming enhancement of the compensation.

Before the Reference Court, the land owner Ramesh Amrutlal was examined at Exh. 17 and has produced the previous judgments of village: Meda Adaraj and Merda at Exhs. 15 and 16.

The Reference Court vide order dated 30.07.2011 after

determining the market value on the basis of previous judgment (LAR No. 1791 of 2003 to 1800 of 2003), with respect to village: Meda Adaraj, determined the market value at the rate of Rs.69/- per sq.mt. for the land under acquired and enhanced the amount of compensation along with the statutory benefits.

The appellant – land owner has preferred the appeal against the judgment and award of the Reference Court, as according to him, the market value determined is inadequate, unfair and unjust.

(ii) First Appeal No. 2910 of 2014:

This appeal by the land owner Thakore Viramji Magnaji has been filed against the common judgment and award dated 04.04.2024 passed in LAR case No. 115 of 2013 and 172 of 2013, whereby, the market value of the land under acquired situated at village: Ambaliyara was determined at the rate of Rs.69/- on the basis of previous judgment passed in LAR Case No. 474 of 2009, disposed of on 30.07.2011 by the Civil Judge, Mehsana. The appellant is the claimant of LAR No. 172 of 2013.

The necessary details of acquisition are as follows:

A notification dated 15.03.2003 under Section 4 (1) of the L.A. Act was published for the acquisition of the land under acquired, followed by the declaration under Section 6 of the L.A.

Act. The Land Acquisition Officer, vide Award dated 19.01.2004, awarded compensation at the rate of Rs.18=70ps per sq. mt. The land owner being dissatisfied with the amount of compensation, sought Reference under Section 18 of the L.A. Act claiming enhancement of the compensation.

Before the Reference Court, the land owner Thakore Viramji Magnani was examined and has produced the previous judgments of village: Ambaliyara at Exh. 17 & 37, village : Laxmanpura at Exh. 26, village: Merda at Exh. 27, 28, village: Meda Adaraj at Exh. 29, 35 & 36, village: Bhimasan at Exh. 31, 32.

The Reference Court vide judgment and order dated 04.04.2014 after determining the market value on the basis of previous judgment (LAR No. 474 of 2009 dated 30.07.2011), with respect to village: Ambaliyara, determined the market value at the rate of Rs.69/- per sq.mt. for the land under acquired and enhanced the amount of compensation along with the statutory benefits.

The appellant – land owner has preferred the appeal against the judgment and award of the Reference Court, as according to him, the market value determined is inadequate, unfair and unjust.

(iii) First Appeal Nos. 3148, 3149 & 3150 of 2014 :

The appellants being land owners of the village : Ambaliyara, have challenged the common judgment and award passed in group of cases being LAR No. 141 of 2013, 142 of 2013 and 143 of 2013, have preferred the aforementioned Appeals challenging the judgment and award dated 03.04.2014 passed by the Civil Judge, Mehsana, wherein, the market value of the lands under acquired was enhanced at the rate of Rs. 69/- per sq.mt.

The necessary details of acquisition are as follows:

A notification dated 27.04.1999 under Section 4 (1) of the L.A. Act was published for the acquisition of the land under acquired, followed by the declaration under Section 6 of the L.A. Act. The Land Acquisition Officer, vide Award dated 07.11.2001, awarded compensation at the rate of Rs.22/- per sq. mt. The land owners being dissatisfied with the amount of compensation, sought Reference under Section 18 of the L.A. Act claiming enhancement of the compensation.

Before the Reference Court, the land owner Thakore Babuji Bhaluji was examined at Exh. 17 and has produced the previous judgments of village: Meda Adaraj at Exh. 22, 23, 34, village: Merda at Exhs. 32, 33, 35, 36, 38, 39 and village: Kadi at Exh. 40. The opponent has examined Ramesh Vagabhai Bariya as Land Acquisition Officer at Exh. 41 and Sanadkumar Ganpatram at Exh. 44 and relied upon previous judgment at Exh. 49 (474 of 2009).

The Reference Court vide judgment and order dated 03.04.2014 after determining the market value on the basis of previous judgment (LAR No. 474 of 2009 dated 30.07.2011), with respect to village: Ambaliyara and deducting 10% amount on account of gap of two notifications, determined the market value at the rate of Rs.42=55ps. per sq.mt. (Rs.69=00 – Rs.26.45ps) for the land under acquired and enhanced the amount of compensation along with the statutory benefits.

The appellants – land owners have preferred the captioned appeals against the judgment and award of the Reference Court, as according to them the market value determined is inadequate, unfair and unjust.

(iv) First Appeal No. 68 of 2015 & 70 of 2015:

These Appeals at the instance of acquiring body, directed against the common judgment and award passed in group of Land Acquisition Matters being 115 of 2013 and 172 of 2013, whereby, the Reference Court has determined the market value at the rate of Rs.69/- per sq.mt. for the lands under acquired with respect to village: Ambaliyara. It is relevant to note that, the land owners have also challenged the Award of the Reference Court by filing appeal being First Appeal No. 2910 of 2014, which is also subject matter of this group of appeals.

8. We have heard learned counsel Mr. Pinank Raiyani, Mr. A.V. Prajapati, Mr. Y. H. Motiramani, Mr. Akshat Khare, Ms. Aishwarya Gupta, Ms. Surbhi Bhati, learned AGP, Ms. Niyati Chauhan for Mr. Rituraj Meena for the respective parties.

9. Mr. A.V. Prajapati and Mr. Pinank Raiyani, learned advocates appearing for and on behalf of the land owners made the following submissions :

(i) That the determination of the fair market value having not been properly undertaken by the Land Reference Court and additional amount of Rs.50=30ps awarded is inadequate.

(ii) That after the award passed in LAR No. 474 of 2009, the previous judgments of the village: Merda were produced before the Reference Court in the group of matters, which are subject matter of the Appeals having not been properly considered and no any reason having been assigned for discarding the market rate fixed in the previous judgments with respect to land acquired of the nearby villages;

(iii) Heavy reliance being placed on the previous judgment passed in LAR Case No. 5373 of 2003 produced in LAR Case No. 115 of 2013 and 172 of 2013 at Exh. 28 with respect to village: Merda, wherein, the market rate of Rs.100/- per sq.mt. as additional amount being considered by the Reference Court and this is the best exemplar

available on record. However, fact remains that, said exemplar was not available at the time of deciding the LAR Case No. 474 of 2009, but the previous judgment of LAR Case No. 5371 of 2003 of village: Merda, wherein, market rate at Rs.108/- fixed, was available on record. Thus, the Reference Court failed to appreciate the settled law on the subject of determination of market value, where more than one exemplar is available on record, the land owner is entitled to highest comparable value that the evidence legitimately supports.

10. In such circumstances, it has been urged that, the compensation awarded in the LAR Case No. 474 of 2009 (First Appeal No. 1862 of 2012) and other allied matters, is not adequate and deserve further enhancement on the basis of previous judgment delivered in case of Land Reference Case No. 5373 of 2003 Exh. 28 produced in LAR Case No. 115 of 2013 and others (First Appeal No 2910 of 2014).

11. On the other hand, learned counsel appearing for the acquiring body vehemently opposed the prayer for enhancement and made the following submissions :

(i) That the Reference Court has relied on the previous judgment Exh. 15 (LAR No. 1791 to 1800, date of judgment : 19.03.2008 of village : Meda Adaraj, which is adjoining to village: Ambaliyara). The Section 4 notification

in village: Meda Adaraj was published on 05.04.2003 and in the present case, for village : Ambaliyara, published on 12.03.2003 and therefore, the Reference Court has rightly relied on the previous judgment as referred above to determine the market value of the lands under acquisition and therefore, the compensation granted is fair and it needs no further indulgence by this Court.

(ii) That, the market rate for village : Merda now has been settled by Division Bench of this Court. In First Appeal No 3531 of 2011 and allied matters, vide judgment and order dated 06.08.2015, the market rate for the village: Merda has been finalized at Rs.44/- per sq.mt. The notification issued on 31.12.1998, and considering the gap of four years, the further rise of 10% of each year can be given, which would come to Rs.62=34ps and the said amount, is less than the amount awarded by the Reference Court in impugned judgment and award for village: Ambaliyara and therefore, the exemplar of previous judgment passed in LAR Case No. 5373 of 2003 cannot be taken as a comparable instance to enhance the market rate.

(iii) That, as per the map Exh. 21, the Land Reference Court has observed that the outskirts of village: Ambaliyara and Meda Adaraj are common and the boundary of village: Merda having not been considered as an adjacent village. The Notification of the relied previous judgment under Section 4 was issued on 22.04.1999 and in the present case, on

12.03.2003 and in that view of the matter, the relied judgment cannot be said to be the best exemplar to determine the market rate afresh.

12. Ms. Aishwarya Gupta, learned advocate, appearing for the acquiring body, who has challenged the impugned judgment and award by preferring the First Appeal, has submitted that the Reference Court has committed an error while relying upon the previous judgment in case of LAR No. 1791 to 1800 of 2003. The relied judgment is pertaining to village: Meda Adaraj and as per the map, there was a distance of 5 Km between village: Ambaliyara and village: Meda Adaraj and therefore, while relying upon the judgment of Division Bench dated 06.8.2015 passed in First Appeal No. 3531 of 2011, it was submitted that the market rate of land acquired of village: Ambaliyara cannot be exceeded upto Rs. 44/-.

13. Having heard learned advocates for the respective parties and upon re-appreciation of the evidence on record, the issue falls for our consideration as to whether the market rate determined by the Land Reference Court is fair and adequate?

Findings and Analysis:

First Appeal No.1862 of 2012

This First Appeal arise out of the judgment and award passed in LAR No.474 of 2009, whereby the Land Reference

Court vide its judgment dated 30.07.2011, determined the compensation at the rate of Rs.50=30 in addition to the compensation awarded by the LAO at the rate of Rs.18.70. Before the Reference Court, the claimants have mainly relied on two previous judgments Exhs.15 and 16. Exh.15 pertains to Village Meda – Adaraj, Tal.: Kadi, whereas Exh.16 relates to Village: Merda. As per the village map, the boundaries of villages viz. Merda, Meda Adaraj, Ambaliyara and Laxmanpura are seem to be connecting each other and distance from one village to another would approximately 5 Kms. Before the Reference Court, no any sale instances being produced by the claimants. The only evidence available is previous judgments delivered by the Land Reference Court. The Reference Court mainly relied on the previous judgment Exh.15 delivered in LAR Case Nos.1791 to 1800 of 2003, wherein the additional amount was considered at the rate of Rs.49=75 per sq. meter. The second judgment Exh.16 delivered by Reference Court in LAR No.5371 of 2003 and 5372 of 2003, wherein the market rate at the rate of Rs.108/- per sq. mt. was determined. Despite of this, the Reference Court, in our opinion, discarded the previous judgments Exh.16 for which, no justifiable reason being assigned by the Reference Court. It is settled position of law that where more than one exemplar available on record, the land owner is entitled to the benefit of highest comparable value. The only difference we could find is the different dates of Section 4 Notification. In Exh.15, the date of notification was 05.04.2003 and in Exh.16, it was 28.08.1999. In such circumstances, while determining the market rate of the land under acquired, the higher

comparable instance in the form of previous judgment Exh.16 would be relevant indicator for fixing the market rate. The justification given by the Land Reference Court for discarding the previous judgment Exh.16 is not convincing and not acceptable because the villages as referred are under the periphery of 5 Kms. and therefore, based on the boundary of outskirt of villages, the best exemplar cannot be discarded. It is relevant to note that the judgment Exh.16 LAR No.5371 of 2003 and allied matters came to be challenged by way of First Appeal No.1612 of 2009. In the First Appeal, vide judgment dated 25.11.2025, the learned Single Judge of this Court, considering the subsequent award passed by the Land Reference Court, the matters have been remitted back to the Reference Court for fresh decision. However, facts remain that the award passed in LAR No.5373 of 2003, with respect to Village Merda, whereby the additional amount of compensation of Rs.100/- per sq. meter, attains finality as the acquiring body has accepted the judgment. In such circumstances, we are of the considered opinion that in order to determine fair market value of lands under acquired the judgment Exh.28, passed in LAR No.5373 of 2003 produced in F.A. No.2910 of 2014 (LAR No.115 of 2013) would be the best and relevant indicator to determine the market value. In the present case, the Land Reference Court has committed an error while relying on the previous judgment of Exh.15 and wrongly discarded the Exh.16 previous judgment which is relevant indicator for fixing market value.

It is the contention of the acquiring body that the market rate of

the Village Merda has been settled by the Division Bench in First Appeal No.3531 of 2011 and the same is required to be followed in the present case also. We do not find any substance in the arguments. It is evident that the previous judgment Exh.28 rendered in the LAR No.5373 of 2003 has been accepted by the acquiring body and it attains the finality. Thus, therefore, as per the settled position of law, we cannot ignore the higher comparable value reflected in the previous judgment as referred above. It has been contended that due to the smallness of the amount, the corporation did not have challenged the award. In our opinion, once the award attains finality then irrespective of amount, it has to be accepted as a best indicator in deciding the market value of the lands under acquired.

For the reasons recorded, the claimants of First Appeal No.1862 of 2012 is entitled for the additional amount of compensation at the rate of Rs.100/-. We also add 30% the said amount because of three years gap of two notifications which further increased the amount at the rate of Rs.130/- in addition to the award, awarded by SLO at the rate of Rs.18=70 along with the statutory benefits including the interest awarded by the Land Reference Court.

First Appeal No.2910 of 2014

This First Appeal arise out of the judgment and award passed in LAR Nos.115 of 2003 and 172 of 2013. The Land

Reference Court vide its judgment dated 04.04.2014, determined the market value of Rs.50=30 sq. meter for the land under acquired situated at Village Ambaliyara, in addition to the compensation of RS.18=70 awarded by the SLO. Before the Land Reference Court, the previous judgments Exhs.26 to 37, delivered by the Land Reference Court with respect to Village Laxmanpura, Merda, Meda, Adaraj and Ambaliyara were being relied upon by the claimants. The Land Reference Court discarded the other exemplars in the form of judgments and accepted its own judgment Exh.37 delivered in LAR Case No.474 of 2009. In our opinion, after perusal of the relied judgments, the Land Reference Court without any justification discarded the higher value of exemplar. Exh.28 is the previous judgment passed in LAR No.5373 of 2003 wherein the market rate of Rs.100/- being considered by the Land Reference Court and the said judgment has attained finality. We have discussed at length in the preceding para of the judgment about acceptability of the previous judgment Exh.28 with respect to the determination of the market value of the land under acquired and thus, the further discussion on this aspect, is not necessary. Thus, therefore, the market rate on the basis of Exh.37 determined by the Reference Court is contrary to the evidence on record and findings to this effect are not based on the settled principle of law. Thus, therefore, the fair market rate of the land under acquired in the present case, would be Rs.100/- per sq. meter. We also add 30% the said amount because of three years gap of two notifications which further increased the amount at the rate of Rs.130/- in addition to the award, awarded by SLO at the rate of

Rs.18=70 along with the statutory benefits including the interest awarded by the Land Reference Court.

First Appeal Nos.3148, 3149 and 3150 of 2014

This First Appeals arise out of the common judgment and award passed in LAR Nos.141 to 143 of 2013. The Land Reference Court vide its common judgment dated 03.04.2014, determined the market value of Rs.21/- sq. meter for the land under acquired situated at Village Ambaliyara, in addition to the compensation of Rs.22/- awarded by the SLO. In the present case, the Land Reference Court, by relying upon the previous judgment delivered by him in LAR Case No.474 of 2009 (Exh.22) has determined the market rate, at the rate of Rs.69/- per sq. meter and considering the date of two notifications i.e. 27.04.1999 for the land under acquired and 12.06.2003 for the land pertaining to the previous judgment, and amount awarded by the SLO in LAQ No.985/97, the deduction was made and accordingly, the additional amount of Rs.21/- came to be determined (Rs.69=00–26= Rs.45 = Rs.42.55 – 22=00 = Rs.20=55).

On appreciation of the evidence, and material placed on record, in our opinion, the Reference Court has not properly determined the market value of the land under acquired. The claimants have relied upon the previous judgments Exh.29, 32 to 39 and Exh.40 passed in difference land reference cases of the Village Meda, Adaraj, Merda, Laxmanpura, etc. However, with the

predetermination, the Reference Court stick to his own judgment and determined the market rate at the rate of Rs.69/- and after deduction as referred above, awarded Rs.21/- per sq. meter. As discussed in the earlier preceding para of this judgment, the best exemplar of the higher value was available and as per the settled law, the claimant is entitled to the higher comparable value and therefore, the best indicator in the form of previous judgment Exh.28 passed in LAR Case No.5373 of 2003, whereby Rs.100/- per sq. meter was being considered as a fair market rate under the land acquired of Village Merda and the said judgment has attained the finality as it has not been challenged by the acquiring body. In such circumstances, the market rate of the land under acquired can be considered at the rate of Rs.100/- per sq. meter and accordingly, it has been determined as additional amount of compensation. It is relevant to note that in the present case, Section 4 Notification issued on 27.04.1999 and Notification of Village Merda (judgment Exh.28 – LAR Case No.5373 of 2003) issued on 22.04.1999. Thus, therefore, there is no need to reduce or increase the amount because in the same year, the lands were acquired by the authority. Therefore, the claimants are entitled to get additional amount of compensation of Rs.100/- in addition to the awarded by the Special Land Acquisition Officer along with the statutory benefits and interest.

First Appeal Nos.68 of 2015 and 70 of 2015

Both the appeals having been filed by the acquiring body

against the judgment and award passed in LAR No.172 of 2013 and 115 of 2013. We have already awarded the additional amount to the claimants in their respective appeals and therefore, we do not find any merits in the present appeals and accordingly, both these appeals stand **dismissed**.

Mr. Y.H. Motiramani appearing for the respondents in First Appeal No.70 of 2015, has submitted that the respondents, though have not filed the enhancement appeal, however, as per the Order 41 Rule 33 of the CPC , they are entitled for the additional amount of compensation. We are in full agreement with the contentions raised by Mr.Motiramani. The respondents being claimants were party to the LAR No.115 of 2013. We have already awarded additional amount of compensation at the rate of Rs.100/- with the addition of 30% i.e. total Rs.130/- per sq. meter in the First Appeal No.2910 of 2014. Thus, therefore, the respondents herein i.e. respondent nos.3 to 5 are entitled for additional amount of compensation of Rs.130/- in addition to the amount awarded by SLO along with the statutory benefits and interest.

14. For the reasons recorded, the captioned First Appeal Nos.1862 of 2012, 2910 of 2014, 3148 of 2014, 3149 of 2014 and 3150 of 2014 are **partly allowed** and the impugned judgment and award is modified as per the discussions made in Para-13 of this judgment. The appeals filed by the acquiring body i.e. First Appeal Nos.68 of 2015 and 70 of 2015 are accordingly, **dismissed**. It is made it clear that the respondents of First Appeal No. 70 of 2015 are entitled for

enhanced amount of compensation as discussed hereinabove and all the parties are liable for deficit court fees, if any. Wherever the amounts as awarded are deposited, the same shall be released to the land owners. The amount deposited during the pendency of the appeals, is permitted to be withdrawn by the land owners with interest occurred thereon, if not already withdrawn. There shall be no order as to costs. Records and proceedings be transmitted to the Reference Court forthwith. Registry is directed to keep the copy of this judgment in each matter.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

P.S. JOSHI.

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PALLAV SUBHASHCHANDRA JOSHI(HC00177), Principal Pvt. Secretary, at High Court of Gujarat on 02/09/2026 16:17:25