

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 17129 of 2017****With****R/SPECIAL CIVIL APPLICATION NO. 17814 of 2017**

=====

AMIT PRAVINBHAI THAKKER

Versus

STATE OF GUJARAT & ORS.  
=====

## Appearance:

MR. VIMAL PATEL, ADV. FOR VMP LEGAL(7210) for the Petitioner(s) No. 1

MS. HETAL PATEL, AGP for Respondent(s) No. 1

MS. AISHWARYA REDDY, ADV. WITH MR. YASH MODI, ADV. FOR M/S

TRIVEDI &amp; GUPTA(949) for the Respondent(s) No. 3

NOTICE SERVED BY DS for the Respondent(s) No. 1,2  
=====**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE****SUNITA AGARWAL**

and

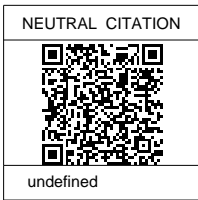
**HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

Date : 15/10/2024

**ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. By means of order dated 5.8.2024, on the undertaking given by the learned Additional Advocate General appearing for the State authorities, last opportunity has been given to complete the acquisition process within a period 3 months from the said date which is about to be over by 5.11.2024. However, in order to bring the progress made in the matter on record, the matter was directed to be listed before the Court.

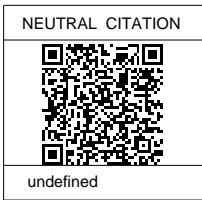
2. When the case is taken up today, the written instruction supplied by the Collector & District Magistrate, Ahmedabad



has been placed before us by Ms. Hetal Patel, learned AGP appearing for the State respondents and it is submitted that the notice under Section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013) had been issued on 21.8.2024 and the competent authority is waiting for the 60 days period to be over from the date of publication of the preliminary notification, as per the time line provided in Section 15 of the Act, 2013, to consider the objection of any person interested in any land, notified under sub-section (1) of Section 11.

3. Taking note of the said submission, we may note that we have made it clear that the acquisition in the instant case is only a process to validate the already acquired lands by the ONGC without adopting the due process of law. The land in question are already in possession of ONGC who had acquired it on the premise of temporary acquisition years ago.

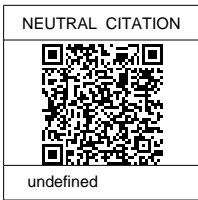
4. On the intervention of this Court at the instance of the land holders, who have been deprived to use their lands, the direction was issued to ONGC to come out with a proposal as to whether it requires the land in question permanently or would revert it back to the land owners. On the undertaking given by the Deputy General Manager (Production) In-charge Land Acquisition Department, Ahmedabad Asset, in view of the affidavit dated 29.2.2024 that the ONGC has decided to acquire the lands in question on permanent basis by order dated 6.3.2024, direction was issued to respondent authorities



to complete the acquisition proceedings within a period of 3 months. Initially, the ONGC did not submit proposal for one month after the order dated 6.3.2024 and thereafter, four months time had been taken by the Revenue Department, Gandhinagar to issue the first notification under Section 10A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. We have already expressed out dis-pleasure the way the matter is proceeded by the State authorities. The contention made today by the learned AGP of adhering to time line of 60 days provided under Section 15 of the Act, 2013 is again without any rationale for the simple reason that the acquisition in question is not an acquisition of a large piece of land and the land owners have been identified who are the petitioners before us and have agreed to the acquisition of lands in question on the undertaking given by the Deputy General Manager, ONGC.

6. In this situation, we do not see any justifiable reason in the approach of the State authorities in postponing the matter of issuance of notification under Section 19 of the Act, 2013, whereafter only award for compensation can be made. There is a complete slackness on the part of the State authorities in adhering to the procedure for acquisition of land in question which has been initiated on an undertaking given by the ONGC who is already in the possession of the lands in question.

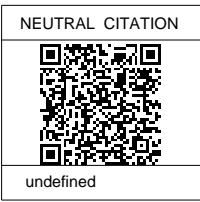


7. At this stage, without observing further, we require the State authorities to complete the process within the time line given in the order dated 5.8.2024, failing which this Court may taken adverse view of the matter.

8. We may further note that as submitted by learned advocate for the petitioners, none of the petitioners have raised objection to the notice issued in the Month of August, 2024 so far. Under Section 15(2) of the Act, 2013, the Collector has to prepare a separate report giving therein the approximate cost of land acquisition, particularly land acquisition, for the decision of the government and on approval of the State Government, the requirement under Section 19 of the Act, 2013 is to ask the acquiring body to deposit the amount in full or part, as may be prescribed by the appropriate government towards the cost of the acquisition of the land.

9. There is a complete silence in the submission of the learned AGP appearing for the Collector about assessment of the cost of acquisition as per Section 15(2) and the deposits made by the acquiring body, namely the ONGC, in accordance with the second proviso to sub-section (2) of Section 19.

10. The result is that the proceedings of the acquisition are bound to be delayed as the declaration notification under Section 19 cannot be issued without the deposit of the estimated cost of acquisition by the acquiring body.



11. The Collector, Ahmedabad is answerable to this query of the Court. The fact remains that there is complete apathy on the part of the Officers of the State in expeditious undertaking of the acquisition proceedings, inasmuch as, the action of the State in making the acquisition would amount to only validating the illegal acquisition of the land in question on the part of the ONGC. The Collector concerned is required to take a pragmatic view of the manner in which the acquisition proceedings in a peculiar facts and circumstances of the case are to be adhered. There was no reason to wait for 60 days, when the land holders who are the petitioners herein have not filed any objection and have agreed to acquisition on the undertaking given by the ONGC in the present proceedings.

For all these reasons, put up the matter on 26.11.2024. By the next date fixed, compliance affidavit shall be filed by the Collector, Ahmedabad.

**(SUNITA AGARWAL, CJ)**

**(PRANAV TRIVEDI, J)**

SAJ GEORGE