
(1999) 07 GUJ CK 0012

In the Gujarat High Court

Case No : Special Civil Application No. 3460 of 1999

Thakor Kacharaji Ravtaji decd thro heirs Arjanji Kacharaji	APPELLANT
Vs	
State of Gujarat	RESPONDENT

Date of Decision : 07-07-1999

Acts Referred:

Constitution of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 28A

Citation : (1999) 07 GUJ CK 0012

Hon'ble Judges : R.P. Dholakia, J;J.M. Panchal, J

Bench : Division Bench

Advocate : Amit C. Nanavati, for the Appellant; H.L. Jani, A.G.P., for the Respondent

Final Decision : Allowed

Judgement

J.M.Panchal, J.—The grievance made by the petitioners in the present petition which is filed under Article 226 of the Constitution, is that though Mr. M.A.Chauhan, Deputy Collector and Special Land Acquisition Officer, Land Acquisition and Rehabilitation, Dharoi, Vatrak and other projects, Himatnagar has made award u/s 28A of the Land Acquisition Act, 1894 on January 30, 1997, the amount of compensation is not paid to the petitioners. Under the circumstances, the petitioners have prayed to direct the respondents to pay compensation to the petitioners in terms of the award dated January 30, 1997 made by the Deputy Collector and Special Land Acquisition Officer, Land Acquisition and Rehabilitation, Dharoi, Vatrak and other projects, Himatnagar in L.A.Q.-DP-33/81-96 No.284/97.

2. Heard the learned Counsel for the parties. The fact that the respondent no.3 has made award on January 30, 1997 u/s 28A of the Land Acquisition Act, 1894 is not in dispute. The said award is produced by the petitioners at Annexure-A to the petition. It is an admitted fact that though the award is rendered on January 30, 1997, the amount of compensation payable to the petitioners under the said

award has not been paid. No reasons are assigned by any of the respondents as to why the amount of compensation payable to the petitioners under the said award has not been paid. Under the circumstances, we are of the opinion that appropriate direction deserves to be given to respondent No.3 to make payment to the petitioners in terms of award dated January 30, 1997 within reasonable time.

3. For the foregoing reasons, the petition succeeds. Respondent no.3 is hereby directed to make payment of compensation to the petitioners in terms of the award dated January 30, 1997 produced at Annexure-A to the petition as early as possible and preferably within three months from the date of production of this order. Rule is made absolute accordingly, with no order as to costs.

4. Office is directed to send copy of this order to respondent no.3 immediately. It shall also be open to the petitioners to produce certified copy of this order before respondent no.3 for necessary compliance.