



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 1688 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 1976 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 2027 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Approved for Reporting		
Yes	No	
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HARSH S/O SURENDRAKUMAR MALHOTRA & ORS.

Versus

SHASHWAT HOME LLP & ORS.

Appearance:

MR ANURAG BISARIA, ADVOCATE with LOVE S MODI(8362) for the Petitioner(s) No. 1,2,3,3.1,3.2,3.3,3.4

G H VIRK(7392) for the Respondent(s) No. 4

GOVERNMENT PLEADER for the Respondent(s) No. 2

MR MIHIR JOSHI, SR. ADVOCATE with MR SALIL M THAKORE(5821) for the Respondent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 03/03/2025

COMMON ORAL JUDGMENT

1. Heard learned Advocate Mr. Anurag Bisaria with learned Advocate Mr. Love S. Modi for the petitioners, learned Senior Advocate Mr. Mihir Joshi with learned Advocate Mr. Salil M. Thakore for the respondent No.1, learned AGP Mr. J.K. Shah for the respondent No.2 and learned Advocate Mr. G.H. Virk for the respondent No.4.



2. Since all the three petitions challenge separate but identical orders passed by the Land Acquisition and Rehabilitation and Resettlement Authority, Ahmedabad (hereinafter to be referred as the “LARRA”) in three separate applications preferred in three different Land Acquisition References and since all these petitions have been heard simultaneously, present common order is passed in all the three petitions.

3. For clarity of facts, it is required to be mentioned that Special Civil Application No. 1688 of 2025 impugns order passed by the LARRA, dated 29.10.2024 below Exh.49 in Land Acquisition Reference No. 518 of 2022, which was pertaining to parcel of land admeasuring 7523 sq. mtrs. bearing Survey Nos. 19/1/1, 19/1/2, 20/1 and 38/3, situated at village Chenpur, Taluka Ghatlodiya, District Ahmedabad. Special Civil Application No.1976 of 2025 impugns order passed by the LARRA, dated 29.10.2024 below Exh. 36 in Land Acquisition Reference No. 18 of 2023, pertains to parcel of land admeasuring 5757 sq. mtrs. bearing Survey Nos. 19/1/1, 19/1/2, 20/1, 37/2, 38/2 and 38/3, situated at village Chenpur, Taluka Ghatlodiya, District Ahmedabad. Special Civil Application No.2027 of 2025 impugns order passed by the LARRA, dated 29.10.2024 below Exh. 49 in Land Acquisition Reference No. 480 of 2022, pertains to parcel of land admeasuring 89346 sq. mtrs. bearing



Survey No. 20/1, situated at village Chenpur, Taluka Ghatlodiya, District Ahmedabad.

3.1 The LARRA vide the orders impugned has rejected applications preferred by the petitioners herein for impleadment in the Land Acquisition References referred to hereinabove.

4. Facts in brief as much as relevant for the purpose of deciding the petitions being as under :

4.1 One M/s Shashwat Home Private Limited (hereinafter to be referred as “SHPL”), a company incorporated under the provisions of the Companies Act, 1956, had purchased various parcels of land in total admeasuring 432536 sq. mtrs. vide sale deeds dated 22.11.2006. The said SHPL was later converted into a Limited Liability Partnership in accordance with the provisions of the Limited Liability Partnership Act, 2008, in the month of August, 2013 and came to be known as Shashwat Home LLP, respondent No.1 herein (hereinafter to be referred to as “Shashwat LLP”).

4.2 It appears that all assets and liabilities of the erstwhile company, SHPL, had been vested into Shashwat LLP, and whereas the petitioners as well as their late mother being partners of the said Shashwat LLP, were



referred to as the Malhotra Group. It appears that the predecessor of the respondent No.1, SHPL, had before it had been formed, applied for conversion of the entire land purchased by it from industrial NA to regular NA, and whereas the Collector, Ahmedabad, had initially permitted conversion of 80% of the land admeasuring approximately 342779 sq. mtrs. and later permitted the conversion from industrial NA to regular NA of the remaining land. It appears that the SHPL had sought for development permission from the respondent No.4 – the Ahmedabad Municipal Corporation, and whereas in November, 2012, the Corporation had called upon the SHPL to submit its consent for deduction and surrender of 40% of the land, in terms of the proposed Town Planning Scheme, whereas the remaining 60% would be allotted to the SHPL as final plots. After the respondent No.1 had been formed, the respondent No.1 had submitted consent letter for deduction of 40% of the entire land purchased by it and whereas on 08.05.2014, the possession of the said 40% deducted land was handed over by the respondent No.1 to the corporation. Later on, the Corporation had published Draft Town Planning Scheme No. 66A (Ranip-Chenpur-Kali) which included the lands purchased by the SHPL, later held by the respondent No.1 which Draft Town Planning Scheme had been sanctioned by the State Government vide Notification dated 09.07.2018. The respondent No.1



was allotted final plots admeasuring 259500 sq. mtrs. by the Corporation in terms of the Town Planning Scheme.

4.3 Later on, the petitioners had sought to retire from the respondent No.1 and whereas a Retirement-cum-Settlement Deed dated 30.07.2016 had been entered into between the petitioners and the remaining 17 partners. The respondent No.1 - Shashwat LLP, had also signed the said deed as a confirming party. It appears that the said Retirement-cum-Settlement Deed inter alia set out the entitlement of the petitioners as retiring partners to 20% share in the land comprising converted and unconverted land on pro rata basis. It appears that a further Memorandum of Understanding had been entered into between the parties on 09.08.2016, and by virtue of the Retirement-cum-Settlement Deed, the petitioners were entitled to retirement consideration at the rate of 41033 sq. mtrs. and in terms of the later MoU, the petitioners were deemed to be entitled to a further 10573 sq. mtrs.

4.4 It appears that after the deeds as above, the State Government had acquired some part of the land held by the respondent No.1 including land conveyed in favour of the petitioners pursuant to Retirement-cum-Settlement Deed under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement



Act, 2013 (hereinafter to be referred as “the Land Acquisition Act, 2013.

It also appears that the respondent No.1 and a nominee of the petitioners have challenged the awards before the appropriate authority.

4.5 It further appears that pursuant to the acquisition of the land by the State Government, the Town Planning Scheme had been substantially reconstituted by excluding the acquired parcel of land admeasuring 131175 sq. mtrs., approximately, along with the land which had resulted in proportionate reduction of land which had been deducted under the Town Planning Scheme by around 52470 sq. mtrs. It appears that gravamen of the present petitioners is with regard to the said reduction of the original reduction at the rate of 40% upon the reconstitution of the Town Planning Scheme. It appears that the petitioners have filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 before the leaned Commercial Court, Ahmedabad being Commercial CMA No. 13 of 2009, which is pending adjudication. It also appears that the petitioners have approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996, by preferring Arbitration Petition No. 234 of 2024 for appointment of arbitrator for resolving the disputes, which petition is also pending adjudication. In the meanwhile, the petitioners have preferred impleadment applications in the land



acquisition references referred to hereinabove, whereby the respondent No. 1 has assailed the apportionment of compensation in favour of the AMC, which application for impleadment came to be rejected vide common but separate orders referred to hereinabove, which are assailed before this Court in these petitions.

5. Learned Advocate Mr. Anurag Bisaria with learned Advocate Mr. Love Modi for the petitioners would submit that the LARRA had completely erred in rejecting the applications for impleadment which were preferred in terms of Order 1 Rule 10 of the Civil Procedure Code (for short “CPC”), more particularly since the petitioners were persons interested in terms of Section 3(x) of the Land Acquisition Act, 2013. It is submitted that the Section 3(x) inter alia envisages that any person claiming interest in the compensation on account of the land being acquired under the Act, would be a person interested and according to the learned Advocate, the term 'person interested' is to be liberally constructed, more particularly a person interested would be a necessary party in a proceeding with regard to apportionment of compensation. It is submitted that the petitioners ought to have been joined since the petitioners had sought impleadment in their individual capacity and not as partners of the LLP Firm. It is submitted that the petitioners having



interest in the land in question, ought to have been joined in their individual capacity. It is submitted that the LARRA has committed a grave error by entering into the merits of the issue, more particularly when the only aspect which was required to be adjudicated was as to whether the petitioners were necessary and/or proper parties. It is further submitted that the LARRA had completely exceeded its jurisdiction in passing the impugned orders since substantive aspects have been dealt with by the LARRA, which were completely beyond the scope of the proceedings. It is further submitted that the LARRA had completely erred in appreciating Clause 2.1 and 2.4 of the Retirement-cum-Settlement Deed dated 30.07.2016, since the retirement consideration has yet not devolved upon the petitioners entirely.

5.1 It is further submitted that though there was no application by the respondent No.1, yet, the LARRA had gravely erred in passing the impugned orders while exercising powers akin to Section 8 of the Arbitration and Conciliation Act, 1996. It is further submitted that the LARRA has erred in misconstruing Sections 64 and 76 of the Land Acquisition Act, 2013, more particularly according to the learned Advocate, Section 76 read with Sections 64, 67 and 60(2) of the Land Acquisition Act, 2013, empowers the LARRA to consider interest of



persons objecting to apportionment of compensation or adjudicate disputes arising therefrom. It is further submitted that the observation made by the LARRA that the authority i.e. the LARRA could only decide such dispute upon a reference being made to it by the Collector and no party can directly approach the authority, is in direct violation of the decision of the Division Bench of this Court in case of Shashwat Home LLP Vs. State of Gujarat, dated 16.09.2022 in Special Civil Application No. 18222 of 2022, whereby this Court had directed impleadment of the Ahmedabad Municipal Corporation in a pending reference with a specific direction of not being technical. Learned Advocate Mr. Bisaria would thus request this Court to set aside orders passed by the LARRA and direct impleadment of the present petitioners.

6. On the other hand, the present petitions are opposed by learned Senior Advocate Mr. Mihir Joshi with learned Advocate Mr. Salil Thakore for the respondent No.1, who would submit, at the outset, that the petitioners having retired from the respondent No.1-Shashwat LLP in the year 2016 have no right to be impleaded in the proceedings of the LLP, more particularly submitting that the LLP is a body corporate like a company and is capable of owning property on its own and that since the LLP is owner of the property, a retired partner of the LLP could not claim



to be entitled to join a proceeding with regard to assets belonging to the LLP. Learned Senior Advocate would further submit that the term 'person interested' as per Section 3(x) of the Land Acquisition Act, 2013, has to be read along with Section 64 of the said Act, which inter alia qualifies the term 'person interested' as being one who has not accepted the award. It is submitted that person interested could only be construed in terms of the qualification in the said Section and not as any person who has an interest in the LLP. Learned Senior Advocate would draw the attention of this Court to Sections 60, 67 and 64 of the Land Acquisition Act, 2013 and submit that the LARRA would have the jurisdiction to adjudicate a reference made to it under Section 64. Section 64 inter alia circumscribes a person applying being a person who is interested and who has not accepted the award. Furthermore, Section 67 restricts the scope of inquiry to consideration of interest of persons affected by the objection. It is submitted in this regard that as such, no person can directly approach the authority for redressal of his grievance and whereas the LARRA has the jurisdiction to decide a reference which has been made by the Collector under Section 64 of the Land Acquisition Act, 2013. It is thus submitted that there cannot be any direct impleadment in a pending reference. Reliance is placed by the learned senior counsel on decision of the Hon'ble Supreme Court in case of **Ram Prakash**



Agarwal and another Vs. Gopi Krishan and Others, reported in (2013) 11 SCC 296.

6.1 Learned Senior Advocate Mr. Joshi would further submit that insofar as the reliance being placed, by the learned Advocate for the petitioners, on the order dated 16.09.2022 passed by the Division Bench of this Court, the same is not a judgment laying down any legal principle, rather the order has been passed on a broad consensus between the parties.

6.2 It is further submitted that as such, the petitioners have deliberately not produced the Retirement-cum-Settlement Deed, which inter alia contain clauses which establish that the petitioners are not entitled to anything beyond retirement consideration. It is submitted that as such, while the petitioners have reproduced Clause 3.1 of the Retirement-cum-Settlement Deed in the petitions, they have not produced the later clauses, which inter alia reveal that the petitioners are not entitled to flat 20% of the land, rather the petitioners are entitled to retirement consideration as has been agreed upon. It is further submitted that while the petitioners have been given 20% of the land, since the valuation of the land had been higher than the entitlement of the petitioners, therefore the petitioners as retiring partners were required to pay differential amount to the



respondent- Shashwat LLP.

6.3 It is further submitted by the learned Senior Advocate that the LARRA has neither exceeded its jurisdiction nor given any finding on the merits beyond what had been submitted since it is the case of the petitioners that they were entitled to 20% of share in the LLP's assets upon their retirement, and thus consequently entitled to share in the compensation, therefore the LARRA has given findings in such context and whereas having raised findings in the first place, it would not be open for the petitioners to turn back and complain that there has been an adjudication on the submissions/merits. It is submitted by the learned Senior Advocate that as such, the Retirement-cum-Settlement Deed dated 30.07.2016 clearly reveals that the retiring persons would not have any right beyond what has been stated in the said deed. The deed also provides for the same to take effect upon conveyance being transferred which had been done as per the MoU on 09.08.2016. It is submitted that once the partners i.e. the petitioners have retired from the LLP, they cannot stake a claim to any rights and entitlements on the assets of the LLP. Thus submitting, learned Senior Advocate Mr. Joshi would request that the LARRA having passed the well reasoned decisions, this Court may not interfere in the impugned decisions.



7. In rejoinder, learned Advocate Mr. Bisaria for the petitioners would draw the attention of this Court to Clause 3.2 of the Retirement-cum-Settlement Deed and would submit that the entitlement of the petitioners is to 20% of the land in question. It is submitted that the Land Acquisition Act, 2013, more particularly Section 76 thereof, empowers the authority to decide a dispute upon being referred a dispute with regard to apportionment. It is submitted that since such power is expressly vested with the authority i.e. the LARRA, the same should have been exercised. It is further submitted by the learned Advocate Mr. Bisaria that if the petitioners are not impleaded, then they would be completely remediless. Thus submitting, the learned Advocate would request this Court to set aside orders passed by the LARRA and direct impleadment of the petitioners.

8. Having heard the learned counsels for the respective parties and having perused the documents on record, to this Court, the following aspects being relevant for adjudication, which are undisputed, are reproduced hereinbelow for benefit.

- (i) The respondent No.1 has preferred the above mentioned Land Acquisition References as applicable to each of the petitions, more particularly inter alia claiming compensation of the land,



which had been surrendered to the Ahmedabad Municipal Corporation as the 40% deduction, being reverted upon the reconstitution of the Town Planning Scheme following the decision to acquire the land in question.

(ii) The petitioners claim that they are entitled to 20% share in the land which was originally deducted, later on reverting back upon reconstitution of the Town Planning Scheme.

(iii) The petitioners had directly approached the LARRA, for impleadment in the references preferred by the respondent No.1.

(iv) The claim of the petitioners for substantive benefit as well as for impleadment being objected to by the respondent No.1 on the ground that upon retirement from the respondent No.1, the petitioners would not be entitled to any land or a corresponding value belonging to the LLP.

(v) Impleadment is also opposed on the ground of the petitioners not approaching the Collector either under Section 64 or Section 76 of the Land Acquisition Act, 2013.

(vi) The LARRA having rejected the impleadment applications



on the ground that the petitioners have availed of alternative legal remedies as well as on the ground of non-invocation of Section 64 and Section 76 of the Land Acquisition act, 2013.

9. Having appreciated the conspectus of the dispute, to this Court it would appear that the petitioners had raised a substantive issue i.e. with regard to their claim for entitlement for a part of the compensation to the land which has reverted back and a procedural issue as to whether the LARRA should have entertained their applications for impleadment. To this Court, it would appear that the Land Acquisition Act, 2013, is a complete code in itself and whereas, it clearly lays down the power, the scope of proceedings and the initiation of the proceedings before the authority. Sections 60, 64 and 76 of the Land Acquisition Act, 2013 being relevant for the present purpose are reproduced hereinbelow for benefit.

"60. Powers of Authority and procedure before it. - (1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;



- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award."

"64. Reference to Authority.—(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:



Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

"76. Dispute as to apportionment.—When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority."

10. Section 60(2) inter alia lays down that the authority would have jurisdiction to adjudicate upon every reference made to it under Section 64. Section 64 inter alia lays down that upon a person who has not



accepted the award writing to the Collector requiring the Collector to refer the issue for the determination of the authority, insofar as it relates to the present petitions, to whom the compensation is payable, or the apportionment of compensation etc., then the Collector would make a reference to the authority. Section 76 envisages that upon the amount of compensation being settled, if any dispute arises as regards apportionment thereof, then such dispute may be referred by the Collector to the authority.

11. The Land Acquisition Act, 2013 does not envisage a person directly approaching the authority and whereas the decision of the Hon'ble Supreme Court relied upon by the learned Senior Advocate for the respondent No.1 in case of **Ram Prakash Agarwal (supra)** laying down the law insofar as the Land Acquisition Act, 1894 was concerned, and which, to this Court, is equally applicable to the present Act, Paragraphs No. 24 to 27 being relevant for the present purpose are reproduced hereinbelow for benefit.

"24. The said case is required to be examined from another angle. Undoubtedly, the respondents did not make any application either under Section 18 or Section 30 of the 1894 Act to the Land Acquisition Collector. The jurisdiction of the Reference Court, vis-à-vis "persons interested" has been explained by this Court in *Shyamali Das v. Illa Chowdhry* [(2006) 12 SCC 300 : AIR 2007 SC 215] , holding that the



Reference Court does not have the jurisdiction to entertain any application of pro interesse suo, or in the nature thereof. The Court held as under : (SCC p. 304, para 19)

“19. The Act is a complete code by itself. It provides for remedies not only to those whose lands have been acquired but also to those who claim the awarded amount or any apportionment thereof. A Land Acquisition Judge derives its jurisdiction from the order of reference. It is bound thereby. His jurisdiction is to determine adequacy or otherwise of the amount of compensation paid under the award made by the Collector.”

Thus holding that : (SCC p. 304, para 19)

“19. ... It is not within his domain to entertain any application of pro interesse suo or in the nature thereof.”

The plea of the appellant therein, stating that the title dispute be directed to be decided by the Reference Court itself, since the appellant was not a person interested in the award, was rejected by this Court, observing that the Reference Court does not have the power to enter into an application under Order 1 Rule 10 CPC.

25. In *Ajjam Linganna v. Land Acquisition Officer* [(2002) 9 SCC 426] this Court made observations to the effect that it is not open to the parties to apply directly to the Reference Court for impleadment, and to seek enhancement under Section 18 for compensation.

26. In *Prayag Upnivesh Awas Evam Nirman Sahkari Samiti Ltd. v. Allahabad Vikas Pradhikaran* [(2003) 5 SCC 561] , this Court held as under : (SCC p. 565, para 7)

“7. It is well established that the Reference Court gets jurisdiction only if the matter is referred to it under Section 18 or Section 30 of the Act by the Land



Acquisition Officer and that the civil court has got the jurisdiction and authority only to decide the objections referred to it. The Reference Court cannot widen the scope of its jurisdiction or decide matters which are not referred to it.”

While deciding the said case, the Court placed reliance on the judgments in Parmatha Nath Mullick v. Secy. of State for India in Council [(1929-30) 57 IA 100 : (1930) 31 LW 431 : AIR 1930 PC 64] and Mohd. Hasnuddin v. State of Maharashtra [(1979) 2 SCC 572 : AIR 1979 SC 404] . (See also Kothamasu Kanakarathamma v. State of A.P. [AIR 1965 SC 304])

27. It is evident from the above, that a person who has not made an application before the Land Acquisition Collector, for making a reference under Section 18 or 30 of the 1894 Act, cannot get himself impleaded directly before the Reference Court.”

12. The Hon’ble Supreme Court refers to Section 18 and Section 30 of the Land Acquisition Act, 1894 and the same are reproduced hereinbelow for benefit.

"18. Reference to Court. - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-



(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."

"30. Dispute as to apportionment. - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court."

13. A plain reading of Sections 18 and 30 make it abundantly clear that while Section 18 of the Old Act is relatable to Section 64 of the New Act, albeit Section 64 expanding the ambit, whereas Section 30 of the Old Act is relatable to Section 76 of the New Act. Thus, there could be no doubt whatsoever that the observations of the Hon'ble Supreme Court though in the context of the Old Act, hold good, even insofar as the New Act is concerned.

14. Appreciated from the above perspective, it would appear that the Hon'ble Supreme Court has inter alia laid down that the authority did not have any jurisdiction to entertain any an application of "pro interesse suo" i.e. "according to his interest" or "to the extent of his interest". In



other words, the above term means permitting intervention of a third party on the ground that the matter concerns his interest. The authority deriving jurisdiction to decide an issue with regard to entitlement to compensation and apportionment of compensation upon a reference, according to the Hon'ble Supreme Court, the authority would not have any power to enter into an application under Order 1 Rule 10 of the CPC, which the petitioners had preferred, without any reference to the authority as regards the same. The Hon'ble Supreme Court has in no uncertain terms laid down that a person cannot get himself impleaded directly before a reference court – LARRA in the present case, without approaching the Collector for making a reference under Section 64 or Section 76 as relatable to the New Act.

15. The law being explained by the Hon'ble Supreme Court, does not brook any argument to the contrary.

16. To this Court, it would appear that the petitioners having directly approaching the LARRA, without seeking for any reference either under Section 64 or Section 76 of the Land Acquisition Act, 2013, the LARRA was absolutely justified in rejecting the applications under Order 1 Rule 10 of the CPC.



17. Insofar as the aspect of excess of jurisdiction etc., it would appear that the LARRA was faced with applications where the applicants-petitioners herein had inter alia tried to explain about their interest in the land in question, more particularly the applications clearly containing references to the Retirement-cum-Settlement Deed dated 30.07.2016 and MoU dated 09.08.2016, was justified in referring to the said aspect while rejecting the applications. While it would appear that the LARRA would have been completely justified even if the applications of the petitioners had been rejected only on the ground of lack of jurisdiction available with it since no reference had been sought for by the petitioners under Sections 64 and 76 of the New Act, yet, it would appear that since various contentions appear to have been raised before the LARRA, the LARRA had deemed it appropriate to even adjudicate thereupon.

18. Having observed as above, to this Court, it would appear that certain observations and directions are required to ensure that the petitioners are neither left remediless nor should the petitioners be prejudiced on account of the observations made by the LARRA. Such a course of action is required, since it would appear that the some of the observations of the LARRA, on the substantive merits of the aspect, were not required though at the same time, this Court hastens to add that the



same appears to be in context of submissions made in such regard by the petitioners.

19. In view of the above, observations, discussion and conclusion, the following directions are issued.

(i) The present petitions, challenging orders dated 29.10.2024 passed by the LARRA, below Exh.49 in Land Acquisition Reference No. 518 of 2022, below Exh. 36 in Land Acquisition Reference No. 18 of 2023 and below Exh. 49 in Land Acquisition Reference No. 480 of 2022, are hereby rejected.

(ii) It would be open for the petitioners to approach the Collector Ahmedabad, under Sections 64, 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in terms of the above observations, if so advised.

(iii) If any such application is received by the Collector, Ahmedabad, the same shall be decided by the Collector appropriately on its own merits.

(iv) The Collector and the LARRA, as the case may be, in reference, if referred by the Collector, shall take an independent decision in an



application/reference under Sections 64, 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, without being influenced by any of the observations made by the LARRA in its orders referred to hereinabove.

(v) Liberty is reserved in favour of the respondent No.1 to contest the application under Sections 64, 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which may be preferred by the petitioners and whereas all the rights and contentions of all parties are kept open including the right of the respondent No. 1 to question the locus of the petitioners. It is clarified that the liberty granted to the petitioners may not be construed as this Court having positively opined as regards the locus of the petitioners to file such an application.

20. With the above observations and directions, the present petitions are disposed of as rejected.

(NIKHIL S. KARIEL,J)

BDSONGARA