

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8295 of 2026

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NIMISH MANUBHAI PARIKH

Versus

NATIONAL HIGHWAY AUTHORITY OF INDIA & ORS.

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Appearance:

PANKEET P AUNDHIYA(9421) for the Petitioner(s) No. 1

NANAVATI & CO.(7105) for the Respondent(s) No. 1,2

MR SANJAY UDHWANI, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No.3

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY

Date : 23/06/2026

ORAL JUDGMENT

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

1. This is a Fourth [4th] petition filed for the same cause of action, with the reliefs as under:-

“6(A) Issue an appropriate writ, order or direction, more particularly a writ of mandamus, directing the Respondents to forthwith deposit and release the compensation amount payable to the Petitioner in respect of the land bearing Survey No.412 (part), situated at Village Samiyala, Taluka & District Vadodara, acquired for the Vadodara-Mumbai Expressway project, in accordance with law;

(B) Direct the Respondents to pay all consequential

statutory benefits, including solatium and interest, as applicable under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the period of delay in payment;

(C) Direct the Respondents to comply with the revised award and/or any determination made pursuant to the directions of this Hon'ble Court, within a time-bound period as may be deemed fit by this Hon'ble Court;

(D) Pending admission, hearing and final disposal of the present petition, direct the Respondents to deposit the entire compensation amount before this Hon'ble Court;

(E) Pending admission, hearing and final disposal of the present petition, restrain the Respondents, their agents and servants from proceeding with further use, development or creation of third-party rights in respect of the Petitioner's land, unless lawful compensation is paid/deposited;

(F) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

2. The petitioner herein seeks to submit that the land bearing Survey No.412 (Part) at Village: Samiyala, Taluka and District: Vadodara was converted into non-agricultural purposes as per N.A. conversion order dated 21.04.1970 and was reflected as non-agricultural land in the revenue records,

appending the copy of 7/12 extract showing the N.A. status of the land-in-question.

3. The contention is that pursuant to an acquisition proceedings conducted under the National Highways Act, 1956 [herein after referred to as "*the Act' 1956*"], the land-in-question was acquired and an award dated 05.09.2017 came to be passed. The award erroneously treated the land-in-question as agricultural land and awarded a meager amount ignoring the N.A. status of the land-in-question recorded in the revenue records. Besides that, only multiplier Factor-1 has been granted while determining compensation.

4. The submission is that after passing of the award, the petitioner made a representation in the year 2020 and there were some exchange of communications between the petitioner and the office of the Competent Authority/Collector, whereafter a writ petition namely Special Civil Application No.6910 of 2022 was filed by the petitioner seeking for a direction to the respondent to decide his representation. By judgment and order dated 11.04.2022, the said writ petition has been disposed of with the directions as

under:-

"1. Mr. K.M. Antani, learned Assistant Government Pleader is on advance notice on behalf of respondent no.1, Mr. Maulik Nanavati accepts notice for respondent 2 and Mr. Parth Bhatt, learned Central Government Standing Counsel accepts notice for respondent 3. Registry to print their names in the cause list.

2. Petitioner has sought for the following reliefs:

"9(A) Your Lordships may be pleased to order the Respondent no. 1 to pass an order directing the Respondent No. 1 to decide the application/representation dated 22.07.2020 and further direct the Respondent No.1 to revise the award by considering the Non-Agricultural land price that being Rs.4440/- per sq.mtr as against the Agricultural land rate thereby being Rs.2150/- per sq.mtr., and thereby provide for Factor-1 of the said incremented price.

(B) Your Lordship may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, direction or order and be pleased to direct the Respondent No. 1 to amend/modify/revise the award dated 05.09.2017 bearing No. LAQ/Vadodara-Mumbai Express way/Samiyala Compensation Case No. 20/2013 and re-compute the compensation qua the lands of the petitioner by multiplying the market value as per the Non Agricultural land price of Rs.4440/- per sq.mtrs., as determined under Section 26(1) of the LARR, 2013 Act along with the same apply for the factor of 2(two) and applying all other statutory benefits as provided under the LARR Act, 2013 including solatium under Section 30(1), interest under Section 30(3) and be further pleased to direct the respondents to pay the same, with interest from 05.09.2017 @ 9% for the first year and 15% per annum for subsequent years till date of realization within 6 weeks of the judgment."

3. We have heard the learned advocates appearing for the

parties. Petitioner claims to be the owner of land bearing Survey No. 412 admeasuring 0.1329 HA-RA-Sq.mtrs., of Village Samiyala, Taluka and District Vadodara. By issuance of Notification under Section 3A of the National Highways Act, 1956 dated 03.03.2014, the land of the petitioner came to be notified for acquisition namely, for the public purpose of construction of the Vadodara-Mumbai Express Way, which was followed by the Notification issued under Section 3D of the National Highways Act, published on 05.03.2015. By virtue of order dated 28.08.2015 passed by the Government of India, in exercise of the powers conferred under Section 113, the provisions for computing compensation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for short "LARR Act, 2013") was extended to and made applicable to acquisitions under 13 Acts, enumerated thereunder namely listed in fourth Schedule which includes the National Highways Act, with effect from 01.11.2015.

4. Petitioner claims land owned by him do not fall within limits of any 'transitional area, smaller urban area, falling within the limits of urban local body or Municipal Corporation.' In other words, it is contended that said land does not have any testimony bearing Agricultural activities being carried out either in the said land or the land surrounding it. On the contrary, it is claimed that said land is non agricultural land. Hence, contending that petitioner is entitled to compensation as such, namely by considering his land as Non Agricultural land. It is also contended that land in question is a Non Agricultural land having been converted for Non Agricultural purposes way

back on 21.04.1970, however, the award which is said to have been passed is on the strength of land being construed as an agricultural land and determining compensation at Rs.2,150/- per sq.mtrs., as against 4,440/- per sq.mtrs., assessed in respect of Non Agricultural land. Hence, petitioner is said to have submitted an application/representation on 22.07.2020 by respondent authorities, which has not been considered and as such, a writ of mandamus is sought for by the petitioner to the first respondent to decide application/representation dated 22.07.2020 and a further direction is sought to the first respondent to revise the award by considering the land of petitioner as Non Agricultural land as against its determination of being agricultural land and thereby, provide "Factor-1" for the said incremental price.

5. In light of the afore-stated facts, we notice that representation dated 22.07.2020 submitted by the petitioner has not been considered and if it were to be so, it would be necessary that first respondent should consider the representation dated 22.07.2020 submitted by the petitioner in accordance with law. Shri K.M. Antani, learned Assistant Government Pleader, would fairly submit that said representation would be considered in accordance with law within an outer-limit of four (4) weeks from the date of receipt of the copy of the order if not already considered. However, we make it clear that we have not expressed any opinion with regard to merits and also with regard to the claim made by petitioner in his representation and the direction issued to the first respondent to consider the representation shall not be construed by said authority as having been directed to

consider the representation in any particular fashion or manner. It is open to the first respondent to consider the representation in accordance with law and without being prejudiced by any observations made by us or any order passed earlier.

6. Accordingly Special Civil Application stands disposed of.”

5. The petitioner then initiated a contempt proceedings registered as Misc. Civil Application No.1362 of 2022 which was closed on the submission made by the learned Assistant Government Pleader that the representation of the petitioner in compliance of the judgment and order dated 11.04.2022 was already decided on 04.02.2023.

6. The Second [2nd] writ petition namely Special Civil Application No.6247 of 2023 was filed raising the same issue which was dismissed as withdrawn on the request made by the learned counsel for the petitioner therein vide judgment and order dated 13.04.2023 with the liberty to challenge the order dated 04.02.2023 passed by the respondent no.2 therein rejecting the representation of the petitioner.

7. The Third [3rd] writ petition namely Special Civil

Application No.11176 of 2023 was filed challenging the award dated 05.09.2017 on the ground that the determination of compensation under the said award was wrong as the non-agricultural land has been treated as agricultural. The said writ petition was disposed of vide judgment and order dated 13.12.2023 with the observation that the question as to the determination of compensation would require a factual inquiry and further the petitioner has a remedy to invoke Section 3G(5) by moving a proper application to refer the dispute to the Arbitration.

8. The contention in the present petition is that the petitioner has preferred an arbitration application invoking Section 3G(5) of the *National Highways Act, 1956* in the year 2023. The date mentioned in Paragraph-‘2.12’ of the petition that the petitioner had applied to the Collector/Arbitrator on 01.07.2023 is wrong as is evident from the Page-‘103’ of the paper-book where there is an endorsement of the office of the Collector on receipt of the said application under Section 3G(5) on 03.01.2024. From the statement made in the writ petition, it is evident that the petitioner has given wrong dates in the entire petition and misleading fact about the filing of

the arbitration application before the Arbitrator.

9. It is evident that only after the third writ petition was disposed of vide order dated 13.12.2023, the petitioner has invoked the provision of Section 3G(5) which provide mechanism for redetermination of award by an Arbitrator. Now this is the Fourth [4th] writ petition which has been filed with the reliefs to issue directions to the respondents to forthwith deposit and release compensation amount with respect to the land bearing Survey No.412 (Part), situated at Village : Samiyala, Taluka and District Vadodara acquired for Vadodara-Mumbai Expressway Project including all consequential benefits, solatium and interest.

10. Ms. Dhara Shah, learned advocate appearing on behalf of the NHAI would invite the attention of the Court to Page-'101' of the paper-book, which is the letter sent by the Chitnis to Collector, Vadodara, to the General Manager and Project Director, NHAI, Panchmahal. A perusal of the said letter indicates that the same was written with reference to the communication dated 17.07.2025 sent by the NHAI. The letter dated 17.07.2025 at Page-'102' of the paper-book

categorically records that the legal opinion of the NHAI Counsel on the revised/ sudhara award dated 16.12.2022 has already been provided to the office of the Collector/ Competent Authority under the National Highways Act vide office letter dated 02.01.2023. However, the letter at Page-'101' of the paper-book sent by the Chitnis to Collector, Vadodara records that the Collector, Vadodara has passed an order that the clarification given by the NHAI on the sudhara award/corrected award dated 16.12.2022 was not tenable and further in view of the directions issued by this Court, there is a need to comply with the corrected/revised order dated 16.12.2022 and the compensation amount was required to be deposited as per the determination made therein treating the land-in-question as non-agricultural land.

11. Pertinent is to note that there is no disclosure in the writ petition as to how the petitioner could lay his hands on these two inter-departmental communications supposedly made by the Chitnis to Collector, Vadodara dated 08.09.2025 and the letter dated 17.07.2025 written by the Project Director, PIU-Godhra to the Collector and District Magistrate, Vadodara. Moreover, any communication made by the Chitnis to

Collector, Vadodara, appended at Page-‘101’ of the paper-book would require a further inquiry by the Collector himself as to how his subordinate would write directly to the General Manager and Project Director, NHAI, Panchmahal.

12. From the submission made by the learned counsel for the petitioner and in view of the prayers made in the writ petition, it is evident that either the letter dated 08.09.2025 was written at the instance of the petitioner himself or has been prepared by the petitioner himself, to take undue benefits from this Court. This fact can be ascertained only upon an inquiry to be made by the Collector on his own. We, therefore, direct the Collector, Vadodara to make an inquiry and submit a report to us through the Registrar General of the High Court as to how and in what circumstances the Chitnis to Collector, Vadodara, can write the letter to the General Manager and Project Director, NHAI without any reference to the details of the order passed by the Collector along with its date.

13. Further on the prayers made by the petitioner, as we have found that the petitioner has approached this Court

repeatedly for the same relief and has not come with the clean hands while stating that the application under Section 3G(5) filed by him is pending for consideration before the Collector and for the doubts expressed by us herein above to the manner in which the copies of the inter-departmental communications dated 17.07.2025 and 08.09.2025 are obtained by the petitioner, we are of the considered view that the petitioner is an unscrupulous litigant and the present writ petition has been filed with ulterior motives to obtain an order by misleading this Court.

14. For the misleading statements made in the writ petition [specifically Para-‘2.11’ of the writ petition] and the facts noted herein above, we dismiss the present petition with the cost of Rs.50,000/- (Rupees Fifty Thousand Only) which shall be deposited by the petitioner within a period of three (03) weeks from today, failing which, the cost amount shall be realized as arrears of land revenue.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

A. B. VAGHELA