

(2025) 12 GUJ CK 1133

Gujarat High Court

Case No: R/Special Civil Application No. 17961 Of 2025

Khansahab Mohammadimtiaz
Mohammadiqbal

APPELLANT

Vs

State Of Gujarat & Ors

RESPONDENT

Date of Decision: Dec. 26, 2025

Acts Referred:

- Gujarat Industrial Development Act, 1962-Section 37
- Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013-Section 11

Hon'ble Judges: J. L. Odedra, J

Bench: Single Bench

Advocate: NK Majmudar, Bimal Sukhadwala, Abhishek M Mehta, Chinmay M Gandhi, Dharmishta Raval, RV Acharya

Final Decision: i. Bernard Francis Joseph Vaz Versus Government Of Karnataka, 2025 (0) Aijel-SC 74487

Judgement

J. L. Odedra, J

1. The dispute that has been raised in the present petition is as regards laying down of alleged second pipeline by the respondent no.12, a subsidiary of respondent No.9 in the land belonging to the petitioner.

2. The prayer clause in the present petition is as follows:-

11. The petitioner, therefore, humbly pray before this Honble Court that:

A) Be pleased to admit/allow this Petition;

B) Be pleased to issue appropriate writ, order and/or directions and be pleased to direct the concerned respondent Nos.1 to 3 authorities to take appropriate decision and to pass appropriate order for constitution of high-level committee

of the concerned expert and appropriate inquiry may kindly be ordered to be initiated against the concerned authorized signatory / concerned Engineer of the G.I.D.C., Ankleshwar and Jhagadia, Deputy Collector, Ankleshwar, Mamlatdar, Hansot as well as against the concerned authorized signatory of the respondent no.12 company - Narmada Clean Tech, who have installed / lay down the underground pipelines beneath the agricultural lands of the petitioner, i.e. Survey Nos. 203, 180, 181 and 182 of Hansot, Tal.: Hansot, Dist.: Bharuch in the year 2013 that too without following any provision under any of the law, without passing any order by the competent authority / government authority, the pipelines have already been installed and sewage water chemical waste is passing through the beneath the agricultural fields of the petitioner, on the basis of the so-called kararkhat (Annexure-B), and therefore, appropriate action may kindly be ordered to be initiated against all the concerned authorized signatory of the GIDC as well as Deputy Collector and Mamlatdar as well as authorized signatory of the respondent no.12 company and appropriate action and appropriate order may kindly be passed, on the basis of the report which may be ordered to be prepared against all the erring officers/ authorities, in the interest of justice;

C) Be pleased to issue appropriate writ, order and /or directions and be pleased to quash and set aside the action and decision of the concerned GIDC authorities, Ankleshwar, Bharuch, Jhagadia, Deputy Collector and Mamlatdar as well as panchayat authorities and action of the respondent no.12 company of laying down the underground pipeline and passing of sewage water/ chemical waste on the basis of so called kararkhat of the year 2013 (Annexure-B) and that without there being any notification / order passed by the concerned competent authorities /government authorities, and therefore, the said action and decision of laying down the pipelines may kindly be ordered to be quashed and set aside and the concerned respondents may kindly be directed to immediately undertake appropriate work and the pipeline which is already installed/laid down on the basis of the so-called kararkhat of the year 2013 (Annexure-B) may kindly be ordered to be removed and the lands of the petitioner may kindly be ordered to be brought into original position, in the interest of justice;

D) Be pleased to issue appropriate writ, order and /or directions and be pleased to quash and set aside the action and decision of the concerned Deputy Collector, Ankleshwar as well as Executive Engineer of the GIDC authorities as well as action and decision of the concerned authorities of granting permission on the basis of the so-called (Annexure-

D) meeting dated and issuing 16.04.2025 instructions/permission to lay down another pipelines parallel to the old pipelines from the agricultural fields of the petitioner and granting of such permission and allowing authorities to lay

down the pipelines and to enter upon the agricultural fields of the petitioner to initiate and carry out the de-novo work of carrying out the new pipeline work, the said action and decision may kindly be quashed and set aside and the concerned respondents may kindly be directed and restrained from carrying out the work of laying down the new pipelines through the agricultural fields of the petitioner on the basis of the so-called minutes of the meeting dated 16.04.2025 (Annexure-D) and so called order passed by the concerned authorities and therefore, the respondents may kindly be ordered to be restrained from carrying out further work of laying down the pipelines through the agricultural fields of the petitioner, in the interest of justice;

E) Be pleased to issue appropriate writ, order and /or directions and be pleased to restrain the concerned respondent authorities from carrying out any further work for laying down another pipeline, parallel pipeline through the agricultural fields of the petitioner, based on the so-called minutes of the meeting dated 16.04.2025 (Annexure-D) and be pleased to direct the concerned respondent authorities to remove the pipelines which are being installed / which would be installed through agricultural fields of the petitioner within the short period of couple of days from the date of affirmation of the petition, and therefore, the said action and decision of the concerned respondent authorities of laying down the pipelines may kindly be quashed and set aside and the pipelines which are already installed and which are being made passing through the agricultural fields of the petitioner may kindly be ordered to be removed, based on the so-called meeting dated 16.04.2025 (Annexure-D) and the land may kindly be ordered to be brought into its original position, in the interest of justice;

F) Be pleased to issue appropriate writ, order and /or directions and be pleased to direct the concerned respondent authorities to consider and decide the representations preferred by the petitioner (Annexure-E), the same may kindly be ordered to be considered and decided, after giving reasonable opportunity of hearing to the petitioner, in the interest of justice;

G) By way of interim order, be pleased to grant stay of operation, implementation and execution of the decision of the so-called order / so called permission granted by the GIDC authorities as well as Deputy Collector and Mamlatdar, on the basis of so-called convening the meeting dated 16.04.2025 (Annexure-

D) and therefore, all the concerned respondent authorities may kindly be restrained from carrying out the work of laying down the new pipelines through the agricultural survey numbers of the petitioner, pending admission and final hearing of the present petition, in the interest of justice;

H) By way of interim order, be pleased to direct the concerned respondent authorities to remove the pipelines / new pipelines installed parallel to the old pipelines through the agricultural fields of the petitioner and appropriate directions may kindly be issued in this regard, pending admission and final hearing of the present petition, in the interest of justice;

I) Be pleased to pass such orders as thought fit in the interest of justice.

3. The respondent No.12 has tendered its Affidavit-in-Reply, which is taken on record.

4. It was submitted by learned advocate that initially the respondent had laid the pipeline beneath the agricultural land without following any procedure under the law under an agreement Annexure-B, whereby certain compensation was awarded to the petitioner for his permission to lay a pipeline below his land for passing the treated effluent from GIDC area, Ghadia to disposal point at Kanityajal in deep sea.

5. It was submitted that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as the Act, 2013) would come into play when any acquisition is done. It was submitted that no procedure whatsoever had been undertaken by the respondents under the 2013 Act and merely on the strength of Kararnama(agreement) such pipeline was installed. It was submitted that recently, the petitioners approached the Deputy Collector, Ankleshwar against the notice dated 06.12.2025, whereupon the Deputy Collector opined that as the matter was pertaining to the Respondent No.12, the agriculturists and the GIDC, no action needs to be taken by the Deputy Collector. However, subsequently, Deputy Collector, Ankleshwar himself conducted a Meeting dated 16.04.2024, in Minutes whereof, the reference to earlier meeting dated 10.01.2025 was referred. It was submitted that qua the meeting dated 10.01.2025, no notice was issued to the present petitioners. It is recorded in the Minutes of Meeting dated 16.04.2025 that the agriculturist had agreed to receive compensation in respect of their crops on 21.01.2025. It was submitted that from the tenor of the said Minutes, the pipeline being laid, is over and above the existing pipeline, i.e. the one installed under the agreement of the year 2013. It was submitted that the said pipeline is sought to be laid under police Bandobast and against the wishes of the agriculturist. It was submitted that as such the pipeline which was already existing had been leaking and owing to said leaks the affluent being carried in the said pipelines had contaminated the agricultural fields of the petitioner and as such no compensation whatsoever has been paid to the petitioners so far. It was also submitted that without any further agreement by the agriculturist, the respondents have no authority to lay fresh pipelines. He relied on the judgement in the case of Bernard Francis Joseph Vaz Versus Government Of Karnataka, 2025 (0) AIJEL-SC 74487 and it was submitted that in terms of the said judgement, it was mandatory for the acquiring authority to issue Notification under Section 11 of the Act, 2013. It was

submitted that neither the preliminary Notification under Section 11 nor subsequent Notification had been issued by the authorities even in respect of the laying down of pipelines under the Act concerning Kararnama (Agreement) of 2013. It was, thus, urged that aggrieved by the said action of the respondents, the petitioners have approached this Court praying for the prayers referred to hereinabove.

6. It was, time and again, contended by the learned advocate for the petitioners that the petitioners do not object, if instead of the existing pipeline, the new pipeline is laid as the same would ensure that there was no leakage from the existing damaged pipeline, thereby contaminating the fields of the agriculturist. He also submitted that if a new pipeline is being laid, then the petitioners would most happy to cooperate and that they have no objections.

7. On the other hand, the learned advocate for the respondent No12, at the outset, submitted that the prayer by the petitioner is not in respect of his land as the Survey numbers mentioned in the prayer are 203, 180, 181 and 182 of the Taluka Hansot, District: Bharuch do not belong to the petitioner. It was submitted that the respondents have the authority under Section 37 of the Gujarat Industrial Development Act, whereby the GIDC is empowered to lay down the pipelines for carrying water as also has the authority to maintain, alter remove or repair any pipeline, conduits, supply or service lines. It was submitted that, thus, the action of the Corporation under the Act, 2013 agreement is not illegal and that in the present set of circumstances, the applicability of the Act, 2013, is completely ruled out.

8. Learned advocate, however, submitted under the instructions of the respondent No.12, duly buttressed by an affidavit of the even date, that for the present, the aggrieved is not inclined to install a total of two lines. It was submitted that the line being installed is only to replace the existing pipeline and that post installation of the new pipeline, the existing pipeline shall be removed.

9. At this stage, learned advocate for the petitioner requests for instructions of the petitioner, to the respondent Corporation agreeing to the proposal fo the petitioner namely that the petitioner does not have any objection to laying of new pipeline in place of the existing pipeline.

10. Stand over to 06.01.2026.