



सत्यमेव जयते

IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE [HON'BLE  
SHRI R P DAVENDRA] TAPI @ VYARA.

REGULAR CIVIL SUIT NO.: 47 OF 2025.

Plaintiff : Ms. Jyotiben Yogeshbhai Rajput

VERSUS

Defendants : The District Collector, Tapi @ Vyara  
& 4 others.

APPEARANCES:

Shri N S Pradhan, Ld. Counsel for the Plaintiff.  
Shri R B Chauhan Ld. AGP for the Defendants.

**SUBJECT:** Suit for declaration and permanent  
injunction under section 34 and 38 of  
Specific Relief Act.  
Valued at Rs.1,000=00.

COMMON ORDER BELOW EXH. NOS.: 1 AND 10:-

1.This suit is yet another classic example of fact as to how citizens are made to file law suit out of panic due to callous attitude and approach of revenue

authorities of this District; thereby not only adding to civil litigations against State Government but also making citizens incur expenses on avoidable litigation both in terms of court fees as well lawyers' fees and other expenses and rushing to this court situated at Vyara which is more than 100 KMs from disputed land by keeping aside all routine work; for no fault of her.

2.This dispute involved in this suit is in respect of land bearing **Block/S. No.: 4 [Old S. No.: 1/K]** comprising in revenue account number 270 admeasuring 1021 Sq. Meters of Village: Devala, Tk.: Nizar, District: Tapi in Gujarat State of Indian Republic. Herein after referred to as '**Suit Land**' for the sake of brevity and convenience.

3.The Plaintiff claims that she is in occupation and possession of suit land since long and is using it for keeping her agricultural tools; suit land is under control and administration of Gram Panchayat and same is allotted to her by Gram Panchayat, Devala by passing Resolution No.: 3(1) dated: 30.05.2009 [**Mark-3/9**]. The Plaintiff has constructed godown for keeping agricultural products as well as for parking tractors, etc. and she has also got placed paver blocks on said land and she is also paying requisite tax [**Mark-3/14 and 3/15**] and suit land is also included in the assessment sheet of house property [**Mark-3/16**].

4. The Plaintiff claims that some disgruntled elements of the village, due to their defeat in Panchayat elections, have given application to Defendant No.:4 claiming that her husband has encroached upon suit land and has also made illegal construction on it; therefore, without giving any notice and/or intimation to her as well as her husband, Panchnama has been drawn by Circle Officer, Nizar - Defendant No.: 5 - of suit land instead of land bearing S. No.: 1/B Paiki 1 comprising in Block No.: 3 as such false report is submitted by Defendant No.: 5 to Defendant No.:4. The Defendant No.: 4 without verifying correctness and genuineness of said report and without issuing any notice to her or her husband and without giving any opportunity of hearing to them; has instructed Defendant No.:2 to take necessary action on the basis of report of Defendant No.:5. The Defendant No.:2 therefore instructed Defendant No.:3 on 13.05.2025 [Mark-3/10] to take further necessary action; as such Defendant No.: 3 issued notice dated: 01.12.2025 [Mark-3/8] and 13.12.2025 [Mark-3/7] and same is suitably replied to by her husband on 22.12.2025 [Mark-3/9] and informed that no encroachment is made by him as mentioned in the notices; still however Defendants are trying to take action for removing so called or alleged encroachment hence present suit for protecting her legitimate right over suit land as well as long standing possession over suit land.

5. On service of summons and notice of suit as well as application - **Exh.:** 5 - seeking interim relief;

Defendants have filed their appearance through Ld. AGP, Vyara on 07.01.2026.

6. The Defendants have instead of filing any formal written statement to the suit of the Plaintiff as required under Order 8 of the Code of Civil Procedure, 1908 has preferred to file application - **Exh.: 10** - invoking provisions of Order 7 Rule 11 of the Code of Civil Procedure, 1908.
7. The application - **Exh: 10** - is filed by Defendant No.:3 wherein it is inter alia contended that no cause of action for filing suit has arisen and no notice is issued to Plaintiff but notices are issued to her husband in respect of some other parcel of land - land bearing S. No.: 3 [Old S. No.:1/B Paiki 1]; as such she has no locus standi to bring this suit. The Defendant No.:3 has further contended that on verifying record as well as site visit it is found that there is no encroachment over any land belonging to Defendant No.:3 as such no action is to be taken even in respect of land bearing S. No.: 3 and notices are issued due to technical error on their part.
8. This application - **Exh.: 10** - is duly served upon Plaintiff through her legal counsel and she has filed her reply - **Exh.: 12** - on 25.02.2026.
9. I have heard Ld. Counsel for the Plaintiff and has gone through entire record as well as documents placed on record at **Mark-3/1 to 3/17** and documents

placed on record at **Mark-11/1 to 11/3**. I have also heard Ld. AGP, Tapi @ Vyara.

10. Having given my thoughtful consideration on the rival submission in the light of documents placed on record and relied upon by parties to the suit; it is crystal clear that Defendants have admitted fact that due to technical error on their part, without properly verifying record available with them; they have issued notices to Plaintiff's husband; although there is no encroachment made by him; it appears that Defendants have played in the hands of political rivals of Plaintiff's husband due to which Plaintiff as well as her husband apprehended high handed action by Defendants - who are mighty and powerful Government Officials - having all authority and power to demolish property of the Plaintiff and/or husband. However it appears that after service of notice of this suit better wisdom has prevailed upon Defendants and at the instance of proper and much needed guidance given by Ld. AGP, Vyara; Defendants have realized their mistake and instead of resisting present suit, admitted their mistake/fault and have fairly stated that due to technical mistake notices came to be issued and no action will be taken by them as no encroachment is found on suit land held by present Plaintiff and/or other parcel of land - S. No.: 3 [Old S. No.:1/B Paiki 1] situated within local limits of Village: Devala.

11. In view of above facts and circumstances; I feel interest of justice would be served if following order is passed:

:::: ORDER ::::

I. Application - **Exh.: 10** - is allowed with no orders as to costs.

II. As Defendants have admitted fact that no notice is issued in respect of suit land and also fact that there is also no encroachment made by Plaintiff's husband over land belonging to Defendants; therefore suit is ordered to be disposed of; however if any action is required to be taken by Defendants and/or all persons acting for and on behalf of Defendants against Plaintiff in respect of suit land then they must issue notice giving at least 15 days time to respond to it and also follow all guidelines issued by

Hon'ble Supreme Court of India  
on 13.11.2024 in Writ Petition  
[Civil] No.: 295 of 2022.

III. Registry is directed to forward certified copy of this order together with certified copies of plaint of the suit as well as application - **Exh.: 10** - to District Collector, Tapi Vyara - **Defendant No.: 1** - for information and taking necessary action, if any, against erring officials for causing unnecessary or avoidable inconvenience to citizens of this District and/or issuing suitable directions, if deemed fit and proper, to administrative and revenue officials working in Tapi District so that citizens, who are mostly tribals, are not put to any inconvenience due to their callousness and/or carelessness.

IV. Registry is directed to place certified copy of this order with application - **Exh.: 10** - and original order be kept with **Exh.:1**.

V. All pending application, if any, stands disposed of in terms of this order.

VI. Decree be drawn accordingly.

PRONOUNCED IN OPEN COURT ON THIS 6TH DAY OF MARCH,  
2026 AT TAPI @ VYARA.

[RAVICHANDRAN PERIYASWAMY DAVENDRA],  
PRINCIPAL SR. CIVIL JUDGE,  
TAPI @ VYARA [GJ-00459].