

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1761 of 2022**

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MAYURBHAI BHIKHABHAI BHOLA

Versus

STATE OF GUJARAT

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Appearance:

MR Y J PATEL(3985) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4,5

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 28/01/2022****ORAL ORDER**

1. Mr.Y.J. Patel, learned advocate for the petitioner submitted that the land bearing Survey No.152/1 paiki 20, situated at Village:Amrapur, was given to the petitioner on 14.06.1992 on payment of the basic rent. It is submitted that it is clearly mentioned in the rent agreement that the land is allotted to the petitioner for running a garage. It is submitted that thereafter, also, in the year 2014, the Gram Panchayat has issued the certificate in favour of the petitioner, requiring him to open the bank account. From the certificate issued by the Gram Panchayat, it emerges that the petitioner is in possession of the land since last 30 years and it is difficult to comprehend that the petitioner has illegally encroached upon the land.

2. It is submitted that some proceedings were initiated under the Gujarat Land Grabbing (Prohibition) Act, 2020 against the petitioner on complaint filed by the private party. The petitioner preferred a writ petition being Special Civil Application No.18402 of 2021 and, vide order dated 07.12.2021, this Court was kind enough to protect the petitioner by granting prayer in terms of paragraph 21(C) qua

the petitioner. It is submitted that the said fact was brought to the notice of the office of the Mamlatdar & Executive Magistrate; however, disregarding the order dated 07.12.2021 passed by this Court, a meeting of the Committee was convened on 08.12.2021 and a decision has been taken that the petitioner has encroached upon the Government land. It is submitted that when this Court has granted protection to the petitioner, the Committee could not have taken decision on 08.12.2021, holding that the possession of the petitioner is illegal.

3. Considered the submissions. Issue notice, returnable on **18.02.2022.**

4. In the meantime, the parties are directed to maintain status quo. Direct service **today** is permitted.

Hitesh

(SANGEETA K. VISHEN,J)