IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 719 of 2026

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JAGDISHSINH @ JAGATSINH BHAVUBHAI GOHIL
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR MEET G RAVAL(10630) for the Petitioner(s) No. 1
GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**

Date : 19/01/2026

ORAL ORDER

1. Heard Mr. Meet G. Raval, learned advocate appearing for the petitioner and Mr. Jayneel Parikh, learned AGP appearing for the respondent – State.

2. By way of present petition, the petitioner herein has challenged the impugned notice dated 31.12.2025 issued under Section 202 of the Gujarat Land Revenue Code, 1879 mainly, on the ground that the said notices are issued without initiation or conclusion of any proceedings as provided under Section 61 or Section 79A of the Code, 1879.

3. Mr. Jayneel Parikh, learned AGP is not in a position to controvert the aforesaid factual position.

4. Mr. Raval, learned advocate relies on the ratio laid down by the Hon'ble Full Bench in ***1991 (2) GLH 606*** in case of ***Government of Gujarat vs. Amraji Motiji Thakor,*** to substantiate his submission that, a notice under Section 202 of the Code, 1879 outlines the procedures for enforcing existing decisions or orders regarding eviction rather than establishing new ones. It is the case of the petitioner herein that the petitioner herein is a shop owner, situated at Sanand, where, all the shop owners have been tenant for the last 35 to 40 years at Sanand Gadhiya Cross Road, Tal.: Sanand, Dist.: Ahmedabad. The petitioner herein is regularly paying tax bill and has valid documents establishing their tenancy rights and the Sanand Nagar Palika has issued valid receipts acknowledging their rent payments and deposits.

5. Issue **Notice** making it returnable on **10.02.2026.** ***To be listed on top of the Board***. Mr. Jayneel Parikh, learned AGP waives service of notice for and on behalf of the respondent No.1 – State.

6. In the interregnum period, the impugned notice dated 31.12.2025 (Annexure-B) is directed to be stayed.

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

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