

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 1918 of 2026

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DHARMIN RAMESHBHAI DALAL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR DIGANT POPAT for MR KARTIKEY D KANOJIYA(11031) for the
Petitioner(s) No. 1
MR JAYNEEL PARIKH, AGP for the Respondent(s) No. 1,19

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CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 16/02/2026

ORAL ORDER

1. Heard Mr. Digant Popat, the learned advocate appearing for the writ-applicant.

2. By way of present petition, the petitioner herein has challenged the impugned order passed by the learned Special Secretary Revenue Department dated 28.11.2025 confirming the order passed by the learned Deputy Collector dated 03.02.2017, the petitioner herein is directed to deposit an amount of Rs.4,05,317/- in accordance with the Fragmentation Act, 1949, placing reliance on the Jantri value of 10% and remove the unauthorized possession of the land in question vesting the same, directing the land to be restored to its original position.

3. It is submitted that prior to the aforesaid order, the petitioner herein has approached the learned Civil Court wherein the proceedings at large are pending before the parties wherein the suit for injunction is preferred by the petitioner wherein reliance is placed on the order passed by the Principal Civil Judge at Valsad dated 13.08.2018 wherein the competent Civil Court in an order below Exh-5 in Regular Civil Suit No.30 of 2016, partly allowed the injunction application directing the parties to maintain status-quo of the suit property and not to create any third party interest in respect of the suit property by any means till the suit is finally disposed of.

4. The petitioner i.e. the original plaintiff is also directed to proceed with the suit without any undue delay. In light of the aforesaid, when the parties at large are before the competent Civil Court, the submissions made by Mr. Digant Popat, the learned advocate appearing for the writ-applicant prima facie requires consideration. To substantiate his submissions, Mr. Popat, the learned advocate relies on the ratio laid down in the case of *2000 SCC OnLine Guj 674* in the

case of *Babubhai Hirabhai & Ors. Vs. City Deputy Collector, Ahmedabad* in Special Civil Application No.3275 of 1998 and *First Appeal No.538 of 2015 in the case of Rameshbhai Ramjibhai Sorathiya and Anr. Vs. Dilipbhai Kalyanji Patel & Ors.*

5. Issue Notice, making it returnable on 16.03.2026. In the interregnum period, the impugned orders dated 28.11.2025 & 03.02.2017 are directed not to be implemented till further orders.

(VAIBHAVI D. NANAVATI,J)

MAYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAYA SHANKERLAL CHAUHAN(HC01402), PRIVATE SECRETARY, at High Court of Gujarat on 17/02/2026 17:08:38