

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 2195 of 2023**

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MUKESHBHAI JAMNADASBHAI PARMAR

Versus

UNION OF INDIA

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Appearance:

MR. S S IYER(6553) for the Petitioner(s) No. 1

MR SIDDHARTH H DAVE(5306) for the Respondent(s) No. 1,2,3,4

NOTICE UNSERVED for the Respondent(s) No. 5

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CORAM:**HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

and

**HONOURABLE MR. JUSTICE NIRAL R. MEHTA**

Date : 07/02/2024

**ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)**

1. Heard learned advocate Mr.S.S.Iyer for the petitioner and learned advocate Mr.Siddharth H. Dave for the respondents.

2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs :

*"A. Your Lordships be pleased to issue a writ of mandamus or in the nature of mandamus or any other appropriate writ*

or order quashing and setting aside the impugned mutation entry (pakkaboja) no 4002 dated 10.09.2013 got entered by respondents no. 2 to 4 in the property records of Flat No. 101, Jigar House, Saiyedpura, Surat-395003 standing on City Survey No. 2518 of ward Saiyedpura, Ubhisher area, Surat city, District Choryasi. [Annexure A]

B. Your Lordships be pleased to hold that Respondents No. 2 to 4 could not have caused the entry of impugned mutation entry (pakkaboja) no. 4002 dated 10.09.2013 only on the basis of forged sale deed produced by Respondent No.5 Shri Bhupendra Vrajlal Mistry and without making a proper title verification of the property.

C. Your Lordships be pleased to hold that mutation entry (pakkaboja) no.4002 dated 10.09.2013 in the property records of the residential flat of the Petitioner herein should have been got annulled/ deleted/removed by Respondents no.2 to 4 at least (ot Awar H) after production of the decree dated 05.01.2018 [at Annexure H] in civil suit no. 103/2017 and the refusal of the Respondents No.2 to 4 to delete/remove/annul the said mutation entry amounts to judicial indiscipline.

D. Your Lordships may kindly grant ex-parte ad interim relief by way of a direction to Respondents No.2 to 4 and the officers working under them not to

*proceed for any physical attachment/sale of the residential flat of the Petitioner herein due to the illegal mutation entry (pakkaboja) no. 4002 dated 10.09.2013 in the property records of the residential flat of the Petitioner herein.*

*E. Such other and further relief as may be deemed just and proper in the facts and circumstances of the present case may kindly be granted."*

3. On perusal of the above prayers, it appears that this petition is required to be placed before the appropriate Court as it does not pertain to the roster allotted to this Court.

4. Registry to do the needful.

**(BHARGAV D. KARIA, J)**

**(NIRAL R. MEHTA, J)**