

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 888 of 2026**

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JASHWANTBHAI RANCHHODBHAI SABHAYA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR AMIT P SOLIYA(10780) for the Petitioner(s) No. 1
MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1
GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 27/01/2026

ORAL ORDER

1. Heard Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner.
2. By way of present petition, the petitioner herein has challenged the impugned order dated 11.11.2025 passed by the Special Secretary, Revenue Department, Ahmedabad in Revision Application No.MVV/GRK/SNR/2/2022 and the order dated 08.11.2025 passed in GHARKHED.ORDI.-CASE NO.49/2021 by the Collector, Surendranagar.
3. It is the case of the petitioner herein that the respondent authority initiated suo-motu proceedings against the petitioner for breach of Section 54 of the Saurashtra Gharkhed, Tenancy

Settlement and Agricultural Lands Ordinance, 1949, mainly, on the ground that though the petitioner purchased the land-in-question, for a period of two months, the petitioner herein lost the status of an agriculturist.

4. Mr. Gandhi, learned advocate appearing for the petitioner submits that by the impugned orders, the respondent authority has passed an order of forfeiture of land in favour of the State Government and imposed penalty three times of jantri rate as provided under Section 75A of the Ordinance, 1949. It is submitted that the aforesaid issue is considered by the Hon'ble Division Bench in case of ***Dalsukhbhai Chaturbhai Prajapati Vs. State of Gujarat & Ors.***, wherein, Section 63(a)(b) of the Gujarat Tenancy and Agricultural Lands Act, 1948 is para-materia to Section 75A of the Ordinance, 1949. It is held by the Hon'ble Division Bench that the amendment given effect to on 05.12.2015 would operate prospectively and not affect the transfers that were carried out in violation of provision of Section 63(1)(a)(b)(c) of the Tenancy Act prior to the amendment. It is submitted that the land-in-question was purchased by the petitioner in the year 2010 i.e. admittedly, prior to the amendment.

4.1 Reliance is also placed on the ratio laid down in case of ***Bharatbhai Naranbhai Vegda Vs. State of Gujarat***, reported in ***2015 (0) AIJEL-HC 233823***, more particularly, paragraph 18.

5. The submissions made by Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner, prima facie, require consideration.

6. Issue **Notice** making it returnable on **26.02.2026**. Mr. Jayneel Parikh, learned AGP waives service of notice for and on behalf of the respondent No.1.

In the interregnum period, let there be interim relief in terms of paragraph 10(C).

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

NEHA