

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (FOR CHALLENGING
VIRES/ULTRA VIRES) NO. 947 of 2024**

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RAJKUMAR RAMNARAYAN MISHRA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

ALPESH D ARYA(8839) for the Applicant(s) No. 1,2,3,4,5,6

CHETAN D KARIYA(8819) for the Applicant(s) No. 1,2,3,4,5,6

MR KEVAL R DHOLAKIYA(12277) for the Respondent(s) No. 3

MR P P MAJMUDAR(5284) for the Respondent(s) No. 3

MR HARDIK DAVE, PUBLIC PROSECUTOR for the Respondent(s) No. 4

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 06/04/2026

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. As prayed by Mr.Hardik Dave, learned Public Prosecutor appearing for respondent No.4, the matter is posted on 20.4.2026 to enable him to bring before us the decision of the Chief Secretary, who is required to take final decision on the inquiry report, which has been initiated after the order dated 18.11.2025 passed by us.

2. We may note that in the order dated 18.11.2025, we have categorically recorded that the dispute with respect to which the criminal complaint under the Gujarat Land

Grabbing (Prohibition) Act, 2020 (for short “the Act, 2020”) had been entertained by the Committee constituted under Section 12 of the Act, 2020. It was noted in the order dated 18.11.2025 that even in the complaint filed by the complainant and the report of the Prant Officer, Anjar, the dispute was pertaining to the compliance of the orders of the Civil Court dated 12.9.2007 and 2.12.2008. In light of the said dispute, remedy before the complainant / person in whose favour the orders were passed, was to approach the competent Court for execution thereof.

3. In any case, no justification has been provided by the Committee headed by the Collector constituted under Section 12 of the Act, 2020 before us, to entertain the complaint and grant approval for registration of the First Information Report.

4. We have also noted that the correct and complete facts pertaining to the issue have not been brought in the affidavit of the Collector in response to the order passed by us in the present petition. However, from the report of the Prant Officer, Anjar submitted before the Committee as narrated in paragraph 9 of the affidavit of the Collector, it is evident that the dispute was purely civil in nature, pertaining to the Civil Court’s orders and violation thereof on the part of the person in occupation of the property in question.

5. In this scenario, while noticing that it was incumbent for the Committee to keep its hands off and direct the complainant to approach the Civil Court for execution of

the decree passed in his favour, we have opined that resolution of the Committee chaired by the Collector under Section 12 of the Act 2020 was contrary to the letter and spirit of the Act 2020.

6. Looking to the seriousness of the matter, noticing that because of registration of the First Information Report, as per the resolution of the Committee constituted under Section 12 of the Act 2020, two residents of the State were confined in jail for a period of 2 and 1/2 months, undermining their personal liberty without authority of law guaranteed under Article 21 of the Constitution of India. We observed in paragraph 28 as under :-

“28. We are also of the considered opinion that the petitioners who suffered at the hands of the State officials deserve to be adequately compensated by the State for the damage caused to their reputation, causing mental stress by curtailment of their personal liberty, illegally. We further direct that in the inquiry, to be conducted at the ends of the Chief Secretary, once the guilty officials are identified, the compensation determined by the Chief Secretary, Government of Gujarat shall be realized from the personal pocket of such guilty officers. The inquiry, as directed hereinabove, shall be conducted by the competent officer(s) under the directions of the Chief Secretary and the inquiry report be submitted before us on the net date fixed.”

7. Recording the above, we may only say that we expect the Chief Secretary of the State to act in a righteous manner not only to uphold the spirit of the Act 2020 but also to duly compensate the petitioners who had suffered at the

hands of the officials of the State.

8. Reiterating the above observations, on the prayer made by Mr.Hardik Dave, the learned Public Prosecutor, the matter is posted on 20.4.2026 at 1.00 p.m. to bring the order of the Chief Secretary on record.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

H.M. PATHAN