

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 195 of 2026
In R/SPECIAL CIVIL APPLICATION/17143/2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 195 of 2026**

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MURIBEN GOVINDBHAI CHAVDA & ORS.

**Versus
STATE OF GUJARAT & ORS.**

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Appearance:

MR. PERCY KAVINA, SR. ADV. WITH R N JADAV WITH AISHWARI SHAH(7688) for the Appellant(s) No. 1,10,11,12,2,3,4,5,6,7,8,9
MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MR.JUSTICE D.N.RAY**

Date : 26/02/2026

ORAL ORDER

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

This intra-court appeal is directed against the judgment and order dated 17.12.2025 passed by the learned single Judge in dismissing the writ petition at the admission stage, where the challenge was to the order passed by the Deputy Collector dated 28.01.1988, the order of the Collector dated 11.05.2020 and the order passed by the Gujarat Revenue Tribunal dated 11.06.2025.

2. The proceedings with respect to the land-in-question allotted as *santhani* land was drawn with the registration of breach of condition case No. 37 of 1985, wherein the order dated 28.01.1988 had been passed during the life time of Lalabhai Palabhai Chavda, who happened to be the predecessor-in-interest of the petitioners

herein. It seems that the subsequent orders, subject matter of challenge, were passed on an Appeal/MRB No. 29/2019, which seems to have been withdrawn by taking liberty from the Collector vide order dated 11.05.2020.

3. Though Mr. Percy Kavina, the learned senior counsel, assisted by the learned advocate Mr. R.N.Jadav seeks to submit only on the observation of the learned single Judge that the Collector became *functus officio* and had no jurisdiction to reconsider the appeal, but the fact remains that there is an observation in the order of the GRT considering the order dated 28.01.1988 that the petitioners' father relinquished the land and the land-in-question came to be forfeited by the State Government in view of the breach of condition case filed against the petitioners' father.

4. In light of the said observations by the learned single Judge and noticing that the challenge before the writ court was to the order dated 28.01.1988, we find it fit and proper to call for the response of the State respondents, inasmuch as, the writ petition has been decided at the admission stage itself.

5. As prayed by Ms. Hetal Patel, the learned AGP for the State respondents, the matter is posted on 24.03.2026 to enable the respondent Nos. 1 to 4 to file their parawise reply to the writ petition itself.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: CHANDRAKANT MAHADEV JOSHI(HC01073), Principal Pvt. Secretary, at High Court of Gujarat on 02/03/2026 10:54:58