

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1403 of 2024**

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RAMABHAI KALABHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:

PRERAK P OZA(8279) for the Petitioner(s) No. 1,2,3

for the Respondent(s) No. 2,3

MR UTKARSH SHARMA AGP for the Respondent(s) No. 1

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

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 29/01/2024****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

The petitioners No.1 and 2 claim to be the owners of the land in question in Block No.273 of village Bhadaj which they have inherited from their father named as Kalabhai Mulabhai Parmar. The statement in the writ petition is that the names of all heirs and legal representatives of the original owner namely, Kalabhai Mulabhai Parmar who had expired in the year 1990, came to be mutated vide entry No.2478 dated 7.2.1991, which was certified on 22.3.1991. The petitioner No.3 is purchaser of the land in question by virtue of the sale deed dated 27.3.2021 executed by the petitioners No.1 and 2 in its favour. The mutation entry in the record of rights by entry No.7031 dated 15.4.2021 came to be made pursuant to the sale deed dated 27.3.2021. The complainant herein claims to have right in the property in question on the basis of the Memorandum of

Understanding dated 22.11.2019 executed by two of the co-owners of the land in question, who according to the petitioners, are daughters of late Kalabhai Mulabhai Parmar and had relinquished their rights in the property which has not been brought on record. The mutation entry No.2479 dated 7.2.1991 certified on 22.3.1991 recording the factum of relinquishment of rights by three daughters of the original owner late Kalabhai Mulabhai Parmar, has been pressed into service. It is further submitted that civil suits came to be instituted by the respondent No.3, which is pending before the Civil Court.

The matter requires consideration.

Let a Notice be issued to the respondent No.3, through R.P.A.D., returnable on 26.2.2024.

Notice of respondent No.1 has been received in the office of the learned Government Pleader. Notice of respondent No.2 shall also be sent in the office of learned Government Pleader within 48 hours.

All the respondents may file counter by the next date fixed.

Till the next date fixed, no further proceedings shall be conducted pursuant to the notice dated 30.12.2023 issued by the City Dy. Collector (Paschim), Ahmedabad namely, respondent No.2 under the Gujarat Land Grabbing (Prohibition) Act, 2020 on the complaint filed by the respondent No.3 herein.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN