

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4979 of 2026**

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HIMAMSHUBHAI MULJIBHAI KATARIYA

Versus

THE SPECIAL SECRETARY ,REVENUE DEPARTMENT & ORS.

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Appearance:

MR KISHAN R CHAKWAWALA(9846) for the Petitioner(s) No. 1

MR RM CHAKWAWALA(1519) for the Petitioner(s) No. 1

MS DEVANSHIBA RANA, AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 24/06/2026****ORAL ORDER**

1. By the present writ petition, the petitioner is praying for a direction to respondent no.1 to hear and decide the stay application and the Case No.BKP/AMD/45/2025 expeditiously.

2. Learned counsel for the petitioner submits that the petitioner has preferred a Revision Application before the Special Secretary (Appeals), Revenue Department, which came to be registered on 11.07.2025. He submits that along with the said Revision Application the petitioner has also preferred an application for stay to prevent the respondents from selling the subject land in question. He submits that thereafter the Revision Application was not listed before the learned Special Secretary (Appeals) and therefore, the petitioner made an application for early and expedited hearing on the stay application on 29.09.2025. He submits that no adjudication took place on the said date and that thereafter, the stay application of the petitioner as well as the Revision Application are being adjourned without any substantial hearing on merits. He submits that now the

Revision Application along with the stay application is listed on 15.07.2026. He submits that the respondents to the proceedings have also filed their affidavit-in-reply. He submits that appropriate direction be passed in that regard.

3. Heard the learned counsel for the petitioner. Perused the averments and considered the submissions.

4. It appears that the petitioner is trying to get his stay application decided, which is purported to be pending before the learned Special Secretary (Appeals), Revenue Department since 11.07.2025. It has been submitted that the affidavit-in-reply has also been filed by the respondents. The petitioner apprehends the sale of subject land, which will have adversely affected the pending proceedings initiated by the petitioner.

5. In view thereof and taking into consideration the fact that the Revision Application as well as the application for stay is already listed before the learned Special Secretary (Appeals), Revenue Department on 15.07.2026, the learned SSRD is directed to hear and decide the stay application of the petitioner and the Case No. BKP/AMD/45/2025 on the said date of listing i.e. on 15.07.2026. The stay application shall be decided on its own merits in accordance with law, taking into consideration the contentions raised by the parties. The learned SSRD shall decide the application for stay by passing a reasoned order. It is clarified that this Court has not gone into the merits of the case and no opinion is expressed thereon.

6. With the aforesaid direction, the present petition stands disposed of.

7. Learned counsel for the petitioner is directed to serve a copy of this order on the respondents as well as the learned Special Secretary (Appeals), Revenue Department on or before 30.06.2026.

ABHISHEK/4

Sd/-
(ANIRUDDHA P. MAYEE, J.)