

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2263 of 2026**

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HEIRS OF THE DECEASED DHANJIBHAI AMBALAL PATEL & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MEHUL S SHAH, SENIOR COUNSEL with MR N P

CHAUDHARY(3980) for the Petitioner(s) No.

1,1.1,1.2,1.3,1.4,1.5,1.6,1.7

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4

MR P K JANI, SENIOR COUNSEL with MR GANESH R GOYAL(10052) for
the Respondent(s) No. 5,5.1,5.2,5.3

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CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 23/02/2026

ORAL ORDER

1. Heard Mr. Mehul S. Shah, learned Senior Counsel appearing with Mr. N.P. Chaudhary, learned advocate appearing for the petitioners and Mr. P.K. Jani, learned Senior Counsel appearing with Mr. Ganesh R. Goyal, learned advocate appearing on Caveat for the respondent No.5 – 5.3.

2. By way of present petition, the petitioners herein are aggrieved by the impugned order passed by the learned Gujarat Revenue Tribunal, Ahmedabad, dated 20.11.2025 in Revision Application No.TEN/BA/120/2008 wherein, it is the case of the petitioners herein that the revision application filed

by the private respondent No.5 through the legal heirs, came to be allowed wherein, by the impugned order, the order passed by the Deputy Collector, Mehsana, in Tenancy Dispute No.86/1983 (undated) is quashed and set aside for which, entry is mutated in the Revenue Record on 10.12.1983 relying on the xerox copy of the order, duly produced on record at page 31-A to the petition.

3. Mr. P.K. Jani, learned Senior Counsel submits that the order passed by the learned Deputy Collector is an order wherein, no date is recorded and is such that the same cannot be taken into consideration and the entry recorded in Form No.6 at page 31-A, dated 10.12.1983 is also recorded relying upon the xerox copy of the order on 02.06.1984. It is submitted that taking into consideration the aforesaid aspect that the order passed by the Deputy Collector itself questions to the authenticity of the order, which is also considered by the learned Tribunal in paragraph 6 wherein, though the record was called for from the competent authority, however, the same was not submitted to the Tribunal. It is submitted that in view thereof, in absence of record available with the Tribunal, the Tribunal proceeded on the documents produced by the

respondent herein wherein, the Revision is allowed in favour of the private respondents herein.

4. Issue **Notice** making it returnable on **12.03.2026**. Mr. Dhaval Trivedi, learned AGP waives service of notice for and on behalf of the respondent No.1 and Mr. Ganesh R. Goyal, learned advocate waives service of notice for and on behalf of the respondent Nos.5 – 5.3.

Direct service is permitted qua rest of the respondents.

In the interregnum period, status – quo qua the revenue entry as on today, be maintained till further orders.

Record and Proceedings be called for from the office of the Mamlatdar and Deputy Collector, Gandhinagar, on or before the next returnable date, in the interest of justice.

(VAIBHAVI D. NANAVATI,J)

NEHA