IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 6130 of 2026

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DHARMESHBHAI KALIDAS PATEL & ANR.
Versus
STATE OF GUJARAT & ORS.
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Appearance:
CHETAN D DAVE(7871) for the Petitioner(s) No. 1,2
R N JADAV(7688) for the Petitioner(s) No. 1,2
JAYNEEL PARIKH AGP for the Respondent(s) No. 1,2,3,4,5
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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 02/07/2026

ORAL ORDER

1. **Rule**, returnable forthwith. The learned AGP waives service of rule on behalf of the respondents.

2. By the present Writ Petition, the petitioners are impugning the order dated 22.12.2025 passed by the learned Additional Secretary, Revenue Department (Appeals) in the Revision Application No.MVV/HKP/AMD/350 of 2023, whereby the mutation entry No.8283 dated 08.01.2011 has been certified.

3. The learned counsel for the petitioners submits that the petitioners are the purchasers of the Block No.34/k admeasuring 7183 sq. mtrs. situated at Village Bopal, Taluka Daskroi, District Ahmedabad. He submits that accordingly, the mutation entry No.6784 dated 17.05.2007 and the mutation entry No.7031 dated 04.07.2008 duly came to be entered in the revenue record. The learned counsel submits that thereafter, the said mutation entries came to be rejected by the revenue authorities. Aggrieved, the petitioners preferred the RTS Appeal No.340 of 2007 before the learned Deputy Collector, Viramgam. The learned Deputy Collector, vide order dated 21.02.2009, was pleased to allow the RTS Appeal of the petitioners and certified the said mutation entries. The said mutation entries thereafter came to be challenged by the respondent No.6 by way of Revision Application No.319 of 2009 before the learned Collector, Ahmedabad, which came to be rejected by the learned Collector. Aggrieved, the respondent No.6 thereafter approached the learned Secretary (Appeals), Revenue Department by filing the Revision Application No.8 of 2011. The learned Secretary (Appeals) was pleased to set aside the order passed by the learned Deputy Collector as well as the learned Collector and remanded the case back to the learned Collector for fresh consideration on merits.

4. Thereafter, in the remand proceedings, the learned District Collector, Ahmedabad has partly allowed the revision application vide order dated 01.02.2023 and the order of the learned Deputy Collector in Appeal No.340 of 2007 came to be set aside. The learned Collector held that though the applicant is a bona fide purchaser and since there was a criminal case pending against the sellers, the mutation entry No.6784 is required to be quashed and set aside. However, the mutation entry No.8283 was held to be not certified. The said mutation entry has earlier been rejected by the learned Collector. The respondent No.6 has thereafter preferred the Revision Application No.350 of 2023 challenging the rejection of certification of mutation entry No.8283. By the impugned order, the learned Secretary (Appeals) has held that the respondent No.6 had purchased the subject land being Block No.34/K admeasuring 7183 sq. mtrs. by registered sale deed from the respondent Nos.7 to 11 herein. It is submitted that the civil proceedings in respect of the same are pending consideration. It was held that since the registered sale deed in favour of the respondent No.6 was prior in point of time, the mutation entry No.8283 is required to be certified. Accordingly, the learned Secretary (Appeals) has allowed the revision application of the respondent No.6.

5. The learned counsel for the petitioners submits that the sale deed executed in favour of the petitioners was executed by all the heirs, who had right, title and interest in the subject land in question. He submits that the registered sale deed in favour of the respondent No.6 was only by some of the heirs. The learned Secretary (Appeals) has not examined the said sale deed. He submits that the sale deed was executed in favour of the respondent No.6 during the pendency of the proceedings before the learned Gujarat Revenue Tribunal, wherein the stay was granted. He submits that the first transaction of sale of land was with the petitioners only in accordance with law and therefore, he submits that the impugned order be quashed and set aside.

6. Considered the submissions and perused the documents on record.

7. Admittedly, there was a registered sale deed executed in favour of the respondent No.6 herein for valuable consideration by some of the legal heirs who are respondent Nos.7 to 11 herein. The respondent No.6 is a bona fide purchaser. The said mutation entry No.8283 came to be entered in the revenue records accordingly.

However, the same was not certified and came to be cancelled by the order dated 25.02.2011 in view of the stay order of the learned Gujarat Revenue Tribunal and there being encumbrance on the land. The learned Secretary (Appeals), after examining the records of the case, has held that in the present case, it cannot be disputed that the respondent No.6 was holding the registered sale deed prior in point of time than the petitioners herein. There are two sale deeds in respect of the subject land. Once the said registered sale deed in favour of the respondent No.6 is in existence, the mutation entry No.8283 in favour of the said respondent is required to be certified. Further, it has been observed that the said sale deeds have been challenged in the civil court. Accordingly, it was held by the learned Secretary (Appeals) that the mutation entry No.8283 dated 08.01.2011 is required to be certified since it is made on the basis of the registered sale deed. It has been further observed in the impugned order that the said mutation entry shall be subjected to the final outcome of the civil proceedings between the parties.

8. In view of the above, no error can be attributed to the view taken by the learned Secretary (Appeals). The same is in accordance with law. The Special Civil Application is devoid of merits and is accordingly dismissed.

Rule is discharged.

No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

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