

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2508 of 2026**

With
CIVIL APPLICATION (FOR AMMENDMENT) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 2508 of 2026

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JAYDEVSIKH SAVJUBHAI JETHWA

Versus

COLLECTOR KUTCH & ORS.

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Appearance:

MR AR THACKER(888) for the Petitioner(s) No. 1

SHIVANG A THACKER(7424) with MR AMIT GHORPADE for the
Petitioner(s) No. 1

MR ANGESH PANCHAL, AGP for the Respondent(s) No. 1,2,3,5

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 03/03/2026

ORAL ORDER

ORDER IN CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2026:

1. Heard Mr. Shivnag Thacker, learned advocate appearing for the applicant and Mr. Angesh Panchal, learned AGP appearing for the respondent authorities.

2. By way of the present application, the applicant herein seeks to amend the memo of Special Civil Application No. 2508 of 2026 and add contents of paragraph no. 2 and 3 as stated in the application.

3. Considering the explanation rendered in the application, contents of paragraph nos. 2 and 3 are permitted to be amended in

the Special Civil Application No. 2508 of 2026.

4. Accordingly, the present Civil Application stands allowed. Necessary amendment be carried out forthwith in the interest of justice.

ORDER IN SPECIAL CIVIL APPLICATION NO. 2508 of 2026

1. Heard Mr. Shivnag Thacker, learned advocate and Mr. Amit Ghorpade, learned advocate appearing for the petitioner and Mr. Angesh Panchal, learned AGP appearing for the respondent - State authorities.

2. By way of the present petition, the petitioner herein has prayed for the following reliefs:

“28. Taking into consideration the above grounds and others that may be urged at the time of hearing. this Hon'ble Court may kindly be pleased:

(A) To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, staying the execution, implementation and operation of order dated order dated 26.6.2024 passed by Mamlatdar, Bhuj (Rural) in Case No.6/ 2023 (Annexure-B) till the Respondent No.5-Gujarat Revenue Tribunal hears and decides the appeal and application for stay (Annexure-1) filed by petitioner against order dated 10.12.2025 passed by Collector, Kutch in Case No. 16 of 2024 at (Annexure-H) confirming order dated 4.10.2024 passed by the Deputy Collector, Bhuj at(Annexure-F) confirming the order dated

26.6.2024 passed by Mamlatdar, Bhuj (Rural) in Case No.6/2023 (Annexure-B) and restrain the respondent no.3 from sealing or demolishing the construction of petitioner or dispossessing petitioner for the reasons stated in the Memo of Petition and in the interest of justice.

(B) Pending admission, hearing and final disposal of this petition, to stay the execution, implementation and operation of communication dated order dated 26.6.2024 passed by Mamlatdar, Bhuj (Rural) in Case No.6/2023 (Annexure-B) and restrain the respondent no.3 from sealing or demolishing the construction of petitioner or dispossessing petitioner therefrom for the reasons stated in the Memo of Petition and in the interest of justice. (C)

The Hon'ble Court may kindly be pleased to grant any other appropriate relief as the nature circumstances of the case may require;"

3. Mr. Thacker, learned advocate appearing for the petitioner submits that the petitioner herein is availing statutory remedy by preferring an appeal on 08.01.2026 being Appeal/KUTCH/11/2026 before the Gujarat Revenue Tribunal (G.R.T.) challenging the order dated 26.06.2024 passed by the respondent no. 3 - Mamlatdar under Section 61 of the Gujarat Land Revenue Code, 1879 (for short, "the Code") and order dated 10.12.2025 passed by the respondent no. 2 - Collector. It is submitted that though, the next date of listing of the appeal before the G.R.T. is 01.05.2026, in the interregnum period, the

respondent issued notice under Section 202 of the Code on 26.02.2026. It is submitted that, if the impugned notice under Section 202 of the Code as referred to herein is implemented, the statutory appeal filed by the petitioner herein before the G.R.T. would as such be rendered infructuous and the same would adversely affect the rights of the petitioner.

4. Mr. Panchal, learned AGP submits that the appeal pending before the G.R.T. would be decided as expeditiously as possible in the interest of justice the notice under Section 202 of the Code is issued, pursuant to the order passed by the Mamlatdar under Section 61 of the Code dated 26.06.2024.

5. Having heard the learned advocates appearing for the respective parties, it is not in dispute that the petitioner herein availed statutory remedy under the Section 204 of the Code by preferring an appeal on 08.01.2026 being Appeal/KUTCH/11/2026 before the Gujarat Revenue Tribunal (G.R.T.) challenging the order passed by the Collector, Kutch dated 10.12.2025 in Case No. 16 of 2024 confirming the order of the Deputy Collector, Bhuj dated 04.10.2024 passed in Case No. 123 of 2024 confirming the order of the Mamlatdar, Bhuj (Rural) vide order No. JMN/L.R.C.Sec61/Case No. 06/2023 dated 26.06.2024. It also emerges that the impugned notice under Section 202 of the Code is issued to the petitioner on 26.02.2026 wherein, the

petitioner is directed to evict the premises within a period of 7 days from the issuance of the notice. The next date of listing of the appeal before the G.R.T. is 01.05.2026. It further emerges that if aforesaid notice under Section 202 of the Code is permitted to be implemented, the appeal pending before the G.R.T. would as such be rendered infructuous.

6. In the interest of justice, the impugned notice dated 26.02.2026 duly produced on record at Annexure-K to the petition is quashed and set aside.

7. In the interest of justice, the G.R.T. to decide the appeal as early as possible preferably within a period of 3 months from the date of receipt of this order, upon following the cardinal principles of natural justice and in accordance with law.

8. Needless to say, the petitioner is also expected to cooperate in the proceedings before the G.R.T. Liberty is reserved in favour of the respondent - State to act in accordance with law.

9. This Court has otherwise not opined on the merits of the matter.

10. With the aforesaid directions, the present petition is allowed to the aforesaid extent.

11. Mr. Angesh Panchal, learned AGP is directed to convey the present order to the competent officer.

Direct service is permitted.

KUMKUM

(VAIBHAVI D. NANAVATI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KUMKUM MAHENDRA SHARMA(HC02349), ENGLISH STENO GRADE-II, at High Court of Gujarat on 06/03/2026 17:40:47