

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.3310 of 2024

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GOVINDBHAI RAGHAVJI BHRASADIYA (PATEL) & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance :MR P.K. JANI, SENIOR COUNSEL ASSISTED BY MR DHRUV K DAVE for the
Petitioners.

for the Respondent Nos.2,3,4,5,6,7

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the Respondent
No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 27/02/2024

ORAL ORDER

1. I have heard Mr. P. K. Jani, learned Senior Counsel assisted by Mr. Dhruv K. Dave for the petitioners. Learned Senior Advocate has submitted that pursuant to the earlier order of rejection of N.A. permission application, when the petitioner preferred Special Civil Application No.14120 of 2023 before this Court, the same was allowed and matter was remanded back to the Collector, Vadodara. Thereafter, the Collector, Vadodara rejected N.A. permission application vide order dated 5.1.2024. However, while rejecting the application for N.A. permission, the basis for rejection was the impugned order dated 1.1.2024 (which is also impugned in this petition) whereby the Deputy Collector, Land Reforms has remanded the matter back to the Mamlatdar & ALT, Vadodara by quashing and setting aside the earlier order dated 26.4.2017 i.e. after almost six years.

2. Learned Senior Advocate Mr. Jani further submitted

that ordinarily, the petitioner would require to approach the Gujarat Revenue Tribunal for redressal of his grievance and for challenging the order of Deputy Collector, Land Reforms, but considering the fact that in the instant case, the order passed by the Mamlatdar & ALT has been quashed on 1.1.2024 by the Deputy Collector, Land Reforms and the same has been made basis for rejection of N.A. permission application and, therefore, in this petition, the petitioner has challenged both the orders before this Court and, therefore, this Court may not relegate the petitioner to avail alternative remedy of approaching Gujarat Revenue Tribunal and consider the issue from aforesaid view point.

Notice returnable on 27.3.2024. Direct service is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA