

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2981 of 2026**

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MOHAMMADKASIM ABDULKARIM KHERADA
Versus
COLLECTOR, ARAVALLI & ANR.

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Appearance:

V A DARBAR(7429) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 15/06/2026

ORAL ORDER

1. Draft Amendment is allowed. Amendment to be incorporated within one week.

2. Heard Mr. M.T.M. Hakim, learned advocate for the petitioner. It is submitted that pursuant to the initiation of Sharatbhang proceedings, the learned Collector has passed an order dated 12.08.2021 against the petitioner upholding the breach of conditions, which has been duly challenged by the petitioner herein before the Secretary (Appeals), Revenue Department by Revision Application No.JMN/ARV/6/2021 and the same is pending consideration for final hearing. The learned counsel submits that in the meantime, the respondent No.2 suppressing the said fact has approached the respondent No.1 Collector, Aravalli for implementation of the order dated 12.08.2021 in Sharatbhang Case No.1 of 2020. By communication dated 13.09.2023, the respondent No.1 has issued a letter to the City Survey Superintendent, Aravalli at Modasa that the order dated 12.08.2021 be implemented. The

learned counsel submits that thereafter further by communication dated 19.08.2025, the respondent No.1 has once again written to the City Survey Superintendent, Aravalli at Modasa to take action in terms of the order dated 12.08.2021. The learned counsel submits that thereafter, the respondent No.2 has approached this Court by way of Special Civil Application No.15312 of 2025. By order dated 28.11.2025, the Coordinate Bench of this Court has disposed of the said writ petition with a direction to the respondent No.3 City Survey Superintendent, Aravalli at Modasa to comply with the direction dated 19.08.2025. The learned counsel submits that this order was obtained by suppressing the fact that the order dated 12.08.2021 passed in Sharatbhang Case No.1 of 2020 by the respondent No.1 Collector herein was challenged and pending consideration before the Secretary (Appeals), Revenue Department. He submits that pursuant to the order of this Court dated 28.11.2025, the notice came to be issued under Section 61 of the Gujarat Land Revenue Code, 1879 [*“Code”* for short] on 17.01.2026. He submits that the Addl. Mamlatdar called upon the petitioner for hearing in the proceedings under Section 61 of the Code. Thereafter, the petitioner has brought to the notice of the Addl. Mamlatdar that the order in the Sharatbhang case has already been impugned before the learned Secretary (Appeals), Revenue Department. However, the Addl. Mamlatdar has passed an order on 21.02.2026 under Section 61 of the Code giving a direction to remove the encroachment. The learned counsel submits that thereafter the Mamlatdar has now issued notice dated 06.06.2026 under Section 202 of the Code directing the petitioner to remove the encroachment within 2 days. The learned counsel submits that if the proceedings under Section

202 of the Code are allowed to proceed then the revision application of the petitioner pending before the Secretary (Appeals), Revenue Department shall become infructuous which was already preferred in the year 2021. He submits that by suppression of facts, an order dated 28.11.2025 in Special Civil Application No.15312 of 2025 has been obtained by the respondent No.2 even though being aware of the proceedings before the Secretary (Appeals), Revenue Department.

3. Issue Notice returnable on 17.07.2026.

Mr. Jayneel Parikh, learned Assistant Government Pleader waives service of notice for the respondent Nos.1 and 3.

In addition, Direct Service is permitted for the respondent No.2.

4. In the meantime, by way of ad-interim relief, status-quo as on today in respect of the subject land as well as construction thereon shall be maintained by the petitioner and the respondents herein till the next date of hearing.

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: KAUSHIKKUMAR DINESHCHANDRA CHAUHAN(HC00197), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 15/06/2026 17:40:58