

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2422 of 2026

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SHAILESH TOKERSHI SHAH & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PRADIP K VALERA(13303) for the Petitioner(s) No. 1,2

MR VIMAL A PUROHIT(5049) for the Petitioner(s) No. 1,2

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

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 24/02/2026

ORAL ORDER

1. Heard Mr. Vimal A. Purohit, learned advocate appearing for the petitioners.

2. By way of the present petition, petitioners herein are aggrieved by the impugned order dated 28.01.2026 passed in Ga.Dha. Case No. Tenancy / 122/Regi. No.5/2024 by the Mamlatdar & A.L.T., Bhuj (Rural) [Annexure-A], wherein, the same was pursuant to the complaint filed by the original vendor, the notice was issued under Section 122 of the Tenancy Act,

whereby, the petitioners herein were imposed the penalty to the tune of Rs.23,04,000/-, invoking amended Section 89-D(2)(1) of the Tenancy Act.

3. It is submitted that the petitioners herein have purchased the land in question on 11.12.2008, which is prior to the amendment of the year 2015. To substantiate his submissions, Mr. Purohit, learned advocate relies on the ratio laid down by the Hon'ble Division Bench in ***LPA No. 813 of 2020*** in the case of ***Dalsukhbhai Chaturbhai Prajapati V/s. State of Gujarat***, wherein, in identical facts, the Hon'ble Division Bench has considered the Section 89D(2)(1) of the Tenancy Act, which is *pari-materia* to Section 122 of the Tenancy Act. It is also submitted that, such proceeding are initiated after a delay of more than 16 years and that it is not in dispute that the predecessor of the petitioners and the petitioners herein are also agriculturist, having placed reliance on certificate placed on record at page-59 issued in favour of the petitioners' father, issued on 26.12.1975. The said certificate has attained finality.

The petitioners herein are also issued certificates of agriculturists by the Mamlatdar dated 26.12.2000, prior to the mutation of entry no. 641 dated 28.12.2000.

4. Issue **Notice** returnable on **24.03.2026**. Mr. Jayneel Parikh, learned AGP waives service of notice on behalf of the respondent no.1.

5. In the meantime, the impugned order dated 28.01.2026 passed by the Mamlatdar & A.L.T., Bhuj (Rural) [Annexure-A] is stayed, till further orders.

Direct service is permitted qua respondent no.2.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PRADHYUMANSINH DILIPSINH RAHEVAR(HC01408), PRIVATE SECRETARY, at High Court of Gujarat on 25/02/2026 17:29:53