

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2188 of 2026**

=====

MALI JIVRAJBHAI RAMJIBHAI

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR K B VIRVADIYA(11272) for the Petitioner(s) No. 1

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

=====

CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 24/02/2026****ORAL ORDER**

1. Heard Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner.

2. By way of present petition, the petitioner herein has challenged the impugned order passed by the Deputy Collector in RTS/Appeal No.103 of 2025, dated 12.01.2026 wherein, the private respondent No.4 preferred an appeal before the Deputy Collector invoking Rule 108(5) of the Gujarat Land Revenue Rules, 1972, challenging the mutation entry No.1168, posted in the revenue record in the name of the petitioner dated 17.01.2025.

3. Mr. Nishit P. Gandhi, learned advocate appearing for the

petitioner submitted that the entry-in-question was mutated in the revenue record on 17.01.2025 and the appeal was preferred on 04.12.2025, which is beyond the period of limitation i.e. 60 days, as provided under Rule 108(5) of the Gujarat Land Revenue Rules, 1972.

3.1 Mr. Gandhi, learned advocate takes the Court to the appeal preferred by the respondent herein wherein, it is stated that the respondent herein is an illiterate person and in view thereof, the delay be condoned. It is submitted that in absence of the appeal being filed accompanied with an application for condonation of delay, such appeal as such would not be maintainable in eye of law. It is submitted that the said contention was also taken before the competent authority however, by the impugned order, the appeal is allowed without considering the petitioner's contention.

3.2 Reliance is placed on the ratio laid down in case of **Ragho Singh Vs. Mohan Singh**, reported in **2001 (9) SCC 717** more particularly, paragraph 6 and the ratio laid down in case of **Dudhiben Muljibhai Patel Vs. State of Gujarat**, reported in **2016 (2) GLR 1786** more particularly, paragraphs 5.4 to 5.8. It is submitted that the impugned order as such is

without jurisdiction.

4. Prima facie, submissions made by Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner, require consideration.

5. Issue **Notice** making it returnable on **24.03.2026**. Mr. Angesh A. Panchal, learned AGP waives service of notice for and on behalf of the respondent No.1.

In the interregnum period, the impugned order dated 12.01.2026 passed by the Deputy Collector, in RTS/Appeal No.103 of 2025 is directed not to be implemented, till the next returnable date.

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

NEHA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NEHA CHANDRESHKUMAR PRAJAPATI(HC01404), STENO GR II, at High Court of Gujarat on 24/02/2026 16:44:06