

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2736 of 2026**

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DHANBAI LALJI HIRANI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. D. P. KINARIWALA(410) for the Petitioner(s) No. 1,2,3

MR DHAVAL TRIVEDI, AGP for the Respondent(s) No. 1,2,3,4,5

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 16/03/2026****ORAL ORDER**

1. Heard Mr. D. P. Kinariwala, the learned advocate appearing for the petitioners and Mr. Dhaval Trivedi, the learned AGP appearing for the respondent – State.

2. By way of present petition, the petitioners herein have prayed for the following reliefs :-

(A) Your Lordships may be pleased to admit and allow this petition;

(B) Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, quashing and setting aside the order dated 29.12.2022 passed

by the respondent No.2 herein - Special Secretary Revenue Department in Revision Application No.9/2020 more particularly, produced at Annexure-A to the present petition and further be pleased to quash and set aside the order dated 03.08.2015 passed by the Ld. Deputy Collector, Anjar at Annexure-F to this petition, in the interest of justice;

(C) Pending admission, hearing and final disposal of this petition, be pleased to stay the execution, implementation and operation of the order dated 29.12.2022 passed by the respondent No.2 herein- Special Secretary Revenue Department in Revision Application No.9/2020 more particularly, produced at Annexure-A to the present petition and further be pleased to quash and set aside the order dated 03.08.2015 passed by the Ld. Deputy Collector, Anjar at Annexure-F to this petition, in the interest of justice;

(D) Be pleased to grant any other relief/s as may deem fit proper, in the interest of justice.”

3. The petitioners' father, namely, Laljibhai Ramjibhai Hirani, purchased the land bearing Survey No.155/3 of Village : Anjar by executing a registered sale deed in his favour on 21.7.1967. Pursuant to the same, the learned Dy. Collector passed an order dated 19.6.1972 on the ground that the purchase was without permission, the land in question being new tenure land, there is a

breach of condition and in view thereof the land is confiscated by the State Government. Proceedings under Section 61 of the Gujarat Land Revenue Code also came to be instituted against the petitioner wherein by order dated 30.4.1998 Mamlatdar, Anjar imposed fine. The petitioner challenged the same by way of an Appeal before the Collector wherein the said order dated 30.4.1998 was confirmed by order dated 20.8.1990 which gave rise to the revision application before the learned Special Secretary Revenue Department being Revision Application No.15 of 1991 which was also rejected by order dated 9.7.1992.

4. The petitioners herein preferred the Special Civil Application No.3777 of 1994 which came to be disposed of by order dated 24.2.2011 wherein all the orders passed by the authorities including the order passed by the Dy. Collector, Anjar dated 12.6.1972 under Section 79(A) of the Code was quashed and set aside remanding back the matter to the Dy. Collector. Thereafter the matter was heard by the Dy. Collector, Anjar by Remand Case No.4 of 2013 wherein by order dated 3.8.2015 the petitioner was held in breach of condition, the land was ordered to be confiscated being Survey No.155/3 of Village : Anjar. The said order passed by

the Dy. Collector came to be challenged before the learned SSRD by way of Revision Application No.9 of 2020 which was rejected by order dated 29.12.2022 which has given rise to filing of the present petition.

5. When the matter is taken up for hearing, Mr. Kinariwala, the learned advocate submits that the petitioners herein are ready and willing to pay the amount of premium for regularization of the possession for which application dated 9.3.2026 is preferred before the respondent No.3 – Collector, Anjar, the same be decided in accordance with law.

5.1 It is submitted that the said application is preferred by the petitioners herein in line with the judgment rendered by the Hon'ble Division Bench in Letters Patent Appeal No.1052 of 2021 dated 14.2.2024, reported in 2024(0) GUJHC 8699, wherein in para-21 Hon'ble Division Bench has held that the petitioner as such is ready and willing to pay the amount of premium as per the rules for regularization from the beginning and that the same be decided in accordance with rules for regularization of same transaction. It is submitted that petitioners' case also be considered similarly and

appropriate order be passed in accordance with law.

6. Mr. Trivedi, the learned AGP has no objection if such an application preferred by the petitioners herein as submitted on 9.3.2026 and the same would be decided by the respondent No.3 in accordance with law.

7. Having heard the learned advocates appearing for the respective parties, the present petition stands disposed of without interfering in the impugned order passed by the competent authority dated 29.12.2022, upon request made by Mr. Kinariwala, the learned advocate appearing for the petitioners that the petitioners herein have approached the respondent No.3 by preferring an application dated 9.3.2026 for regularization of land in question by payment of premium in accordance with the prevailing regulation for regularization of the land. The respondent No.3 is directed to decide the application dated 9.3.2026 preferred by the petitioners independently and in accordance with law as expeditiously as possible.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

K.K. SAIYED

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SAIYED KAZIMALI(HC00169), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 18/03/2026 10:06:48