

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3726 of 2025**

=====

KALPANABEN KANTIBHAI BHARWAD

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR TATTVAM K PATEL(5455) for the Petitioner(s) No. 1

MR JAYNEEL PARIKH ASSTT. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 25/03/2025****ORAL ORDER**

1. Heard learned advocate Mr. Tattvam K. Patel for the petitioner and learned AGP Mr. Jayneel Parikh for the respondent No.1 – State.

2. By way of this petition, the petitioner challenges an order passed by the Deputy Collector, Viramgam dated 21.01.2025, in K.J.P./Appeal/Case No.01/2024.

3. It is the case of the petitioner that the order passed by the Deputy Collector is wholly without jurisdiction and hence, the petition invoking jurisdiction of this Court, under Article 226 of the Constitution of India is maintainable. It also appears that vide the impugned order, the Deputy Collector has exercised powers akin to those, which could be exercised by a learned Civil Court, more particularly directing for partitioning of the property. It would also appear that the Deputy Collector has relied upon Rule 21(2) of the Gujarat Land Revenue Rules, to pass such an order. It would appear perusing Rule 21 of the Rules in question that the same is

with regard to laying down boundaries, where there is no dispute with regard to subdivision according to statements of the holders and whereas, to this Court, it would appear that the powers under Rule 21 and 21(2) to be more precise could not be exercised to direct partition of the property, more particularly, to this Court, it would appear that such powers were within the exclusively domain of learned Civil Court.

4. In view of the above prima facie observations, issue Notice to the respondents for final disposal returnable on 06.05.2025. Learned AGP Mr. Parikh waives service of Notice on behalf of the respondent No.1 – State. Direct service is permitted for rest of the respondents.

By way of ad interim relief, there shall not be any execution of order passed by the Deputy Collector in K.J.P./Appeal/Case No.01/2024 dated 21.01.2025.

(NIKHIL S. KARIEL,J)

Y.N. VYAS

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YAGNESH NARENDRABHAI VYAS(HC00207), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/03/2025 18:58:01