

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5544 of 2022**

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SMITABEN HARILAL SONI

Versus

STATE OF GUJARAT

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Appearance:

MR MEHUL SHARAD SHAH(773) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 2ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**

Date : 12/04/2022

ORAL ORDER

Mr Dharm K. Raval, learned advocate with Mr Mehul Sharad Shah, learned advocate appearing for the petitioners submitted that the Collector, Kutch, has rejected NA application on the ground that the petitioners are not Khedut Khatedars.

2. It is submitted that the Special Secretary, Revenue Department (Appeals), confirmed the order of the Collector. The orders, are against the principles laid down by this Court in the case of *Tusharbai Harjibhai Ghelani vs. State of Gujarat* reported in 2019 (4) GLR 2578 and *Bhayabhai Vajshibhai Hathalia vs. State of Gujarat* reported in 2012 (2) GLR 1741.

3. It is submitted that while exercising the powers under Section 65 of the Gujarat Land Revenue Code, 1879, it was impermissible to the Collector to have determined the status of the petitioners as to whether they are agriculturists?

4. Considered the submissions. Issue notice, returnable on 14.6.2020.

5. Direct service is permitted.

(SANGEETA K. VISHEN,J)

BINOY B PILLAI