

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4212 of 2026**

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PRAVINBHAI PARSHOTTAMBHAI PATEL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

DENISHKUMAR B MORAKHIA(8968) for the Petitioner(s) No. 1
JENIL M SHAH(7840) for the Petitioner(s) No. 1
MS DEVANSHI RANA, AGP for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 27/03/2026

ORAL ORDER

1. Heard Mr. Jenil M. Shah, the learned advocate appearing for the petitioner.
2. By way of present petition, petitioner herein is aggrieved by the impugned order dated 04.09.2025 passed by the respondent No.3 in Tenancy – 84C/KHD/2/2024 (Annexure A) as well as the order dated 15.12.2023 passed by the respondent No.2 in Tenancy Revision Case No.88 of 2023 (Annexure – B).
3. It is submitted that the Collector, Kheda initiated proceedings for breach of Section 43 and Section 63 by issuance of direction dated 19.08.2020 which culminated into an order dated 30.10.2020 whereby Respondent No.3

was directed to initiate proceeding under Section 84C of the Tenancy Act. The same was challenged by the petitioner by way of Special Civil Application No.16290 of 2021, the same was withdrawn as by order dated 19.01.2023, the Mamlatdar & ALT, Kheda had withdrawn the notice under Section 84C of the Act. As the order dated 16.08.2020 did not survive, the same was quashed and set aside by order dated 07.02.2023 (Annexure – H).

4. The respondent- authorities in exercise of powers u/s. 76A of the Tenancy Act, after the said order is passed, initiated the revision proceedings under Section 84C of the Tenancy Act and the withdrawal of notice vide order dated 19.01.2023 which has resulted into the impugned order and has given rise to filing of the said petition.

5. Mr. Shah, the learned advocate submits that the impugned exercise undertaken by the respondent is as such without jurisdiction, the aforesaid exercise having been initiated after delay of more than 25 years for certification of entry in favour of petitioner under Section 76(A) of the Act, and is also barred by doctrine of

‘resjudicata’ as the order of Respondent No.3 has attached finality upon disposal of Special Civil Application No.16920 of 2023 by order dated 07.02.2023.

6. Issue **Notice**, making it returnable on 27.04.2026. Interim relief in terms of para 7(C) is granted till then.

MAYA

(VAIBHAVI D. NANAVATI,J)