

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3153 of 2025**

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DECEASED HASMUKH JAVANLAL THROUGH HIS LEGAL HEIRS & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MOHIT A GUPTA(8967) for the Petitioner(s) No. 1,1.1,1.2,1.3
MR JK SHAH, ASST. GOVERNMENT PLEADER for the Respondent(s) No.
1,2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 10/03/2025

ORAL ORDER

1. Heard learned Senior Advocate Mr.Yatin Oza with learned Advocate Mr.Mohit Gupta on behalf of the petitioners and learned Assistant Government Pleader Mr.J.K.Shah on behalf of the respondent – State.

2. By way of this petition, the petitioners challenge show cause notice issued under Section 84(C) of the Gujarat Tenancy and Agricultural Lands Act dated 20.01.2025 by the Mamlatdar and ALT, Dehgam more particularly on the ground that an entry which had been mutated in the revenue record in the year 1996 is sought to be reopened / revised more particularly upon an application by a third party who has no

interest whatsoever on the property in question.

3. While learned AGP for the State would draw the attention of this Court to certain communications which are placed on record more particularly by the Mamlatdar and ALT, Dehgam to the regular Mamlatdar, Dehgam bringing to his notice about there being certain discrepancies in the said entry i.e. entry no.422 which was certified on 17.06.1996, yet, to this Court, it would appear that the scope of the present petition is different.

3.1. In the prima facie opinion of this Court, Section 84(C) empowers the Mamlatdar to initiate proceedings either of his own accord subject to whatever defenses the party to whom the notice is issued or upon an application made by an interested party. It would prima facie appear to this Court that the respondent no.3 herein, at whose behest the proceedings have been initiated, has no right or interest over the property in question, more particularly, that being the case of the petitioners before this Court.

3.2. Under such circumstances, it would appear that the proceedings itself are vitiated since they have been initiated

at the behest of an uninterested party.

4. Having regard to the prima facie observations hereinabove, issue **Notice to the respondents, returnable on 22.04.2025**. Learned AGP Mr.Shah waives service of notice on behalf of the respondent - State.

4.1. By way of ad-interim relief, the Mamlatdar and ALT, Dehgam shall not proceed further with the proceedings being TNC/Tenancy Case No.17/20/Vashi-87/2025, more particularly in which, notice dated 20.01.2025 impugned in the present petition, has been issued.

(NIKHIL S. KARIEL,J)

Bhoomi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 11/03/2025 14:45:06