

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3748 of 2026

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UMESHBHAI SHANTILAL PATEL

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR SATYAM Y CHHAYA(3242) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 17/03/2026

ORAL ORDER

1. Heard Mr. Satyam Y. Chhaya, learned advocate appearing for the petitioner.

2. By way of the present petition, petitioner herein has challenged the impugned order dated 20.02.2026 passed by the Special Secretary Revenue Department in injunction application in Revision Application No. MVV/HKP/ST/5 of 2026 (Annexure-S) and also prayed to quash and set aside the impugned order dated 17.11.2025 passed by the District Collector, Surat in Revision Application No. 442 of 2023 (Annexure-M).

3. Mr. Chhaya, learned advocate submits that, by non-grant of stay by the SSRD, the petitioner's entry by way of a registered Will, which was mutated in the revenue record as mutation entry no. 6790 dated 27.07.2023 (pg.58), which was upheld by the Deputy Collector, stands cancelled by the order passed by the Collector dated 17.11.2025, which was the subject matter of challenge before the learned SSRD. The learned SSRD has refused to grant stay of the order dated 17.11.2025 passed by the Collector, which in the submissions of Mr. Chhaya, learned advocate is contrary to the settled position of law that entry of the registered Will is required to be mutated in the revenue record, which would be subject to the final outcome of the suit proceedings which are pending before the competent Civil Court being Regular Civil Suit No. 107 of 2023 (pg.59).

4. Issue **NOTICE** returnable on **17.04.2026**. Mr. Dhaval Trivedi, learned AGP waives service of notice on behalf of the respondent no.1.

5. In the interest of justice, the order dated 17.11.2025 passed by the District Collector, Surat in Revision Application No. 442 of 2023 (Annexure-M), which is the subject matter of challenge before the SSRD, is directed not to be acted upon, pending the Revision Application No. MVV/HKP/ST/5 of 2026 before the SSRD.

6. The present order will not come in the way of the Revision Application No. MVV/HKP/ST/5 of 2026, which are ongoing before the SSRD and the same be decided on its own merits and in accordance with law.

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PRADHYUMANSINH DILIPSINH RAHEVAR(HC01408), PRIVATE SECRETARY, at High Court of Gujarat on 17/03/2026 18:12:30