

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4193 of 2026**

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LEGAL HEIRS OF LATE SHREE AMRUTBHAI KESHAVLAL SUTHAR &
ORS.
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:

MR A.A. ZABUAWALA, ADVOCATE WITH
MS. DIPA B ZALA(6937) for the Petitioner(s) No. 1,2,3,4
MS DEVANSHIBA RANA, AGP for the Respondent(s) No. 1,2,3,4,5,6

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 16/07/2026

ORAL ORDER

1. Rule. Rule returnable forthwith. Learned AGP waives service of notice of rule on behalf of respondents.

2. By the present writ petition, the petitioners are impugning the order dated 10.12.2025 passed by the Additional Secretary (Appeals) Revenue Department, Ahmedabad and the order dated 04.09.2020 passed by the Collector, Ahmedabad in Revision Application L.B./R.A. No. 296 of 2016.

3. Learned advocate Mr. A. A. Zabuawala with learned advocate Ms. Dipa Zala appearing for the petitioners submits that the petitioners are legal heirs and successors of

deceased Amritlal Keshavlal Suthar, who was the owner, occupier and cultivator of agricultural land bearing survey No. 587/1 to 3 and survey No. 592/1 to 7 (and connected subdivisions) situated at Moje- Ramol, Taluka - Vatwa, District Ahmedabad. He submits that upon demise of late Keshavlal Lallubhai Suthar, the name of his heir Amritlal Keshavlal Suthar came to be mutated in the revenue record and thereafter upon the demise of Amirtlal Keshavlal Suthar, the names of the present petitioners came to be entered as legal heirs in the revenue records. It is submitted that since there was tenant in the subject land, by the order dated 19.02.1961, the Competent Authority directed initiation of proceedings under Section 32G of the Tenancy Act. Further, by order dated 19.02.1961 Chandmiya Jamalmiya came to be declared as tenant and accordingly purchase price came to be fixed. Learned advocate submits that in Tenancy Appeal No. 108 of 1972, by the order dated 07.02.1973, the Prant Officer has set aside the order of the Mamlatdar and remanded the case back to the Mamlatdar for fresh consideration on merits. Thereafter, the learned Mamlatdar and ALT in remand proceedings has held that Chandmiya Jamalmiya was not a tenant in respect of the subject land.

3.1 Learned advocate submits that aggrieved the tenant Chandmiya Jamalmiya filed an appeal before the learned

Deputy Collector (LR). The Deputy Collector by order dated 19.07.1983 has set aside the order of the Mamlatdar and held that said Chandmiya Jamalmiya was tenant in respect of the subject land in question. Thereafter, the petitioners herein preferred Revision No. 1502 of 1983 which came to be rejected vide order dated 29.10.1985 and thereafter the petitioners have preferred the review proceedings before the Gujarat Revenue Tribunal, which also came to be rejected on 17.01.1992. Thereafter the petitioners had preferred the writ petition before this Court being Special Civil Application No. 867 of 1992, which came to be rejected by the order dated 11.02.1992. The said order has become final and accordingly the tenant Chandmiya Jamalmiya was declared as a tenant in respect of the subject land.

3.2 Learned advocate submits that thereafter the petitioners have made an application for effecting the mutation entry on the basis of the judgment and decree dated 20.03.1975 in Civil Suit No. 50 of 1975 demarcating their shares in terms of the decree on 03.07.2012, which came to be certified on 15.09.2012. Aggrieved by such mutation entry no. 7487, the respondents No. 7 to 9 challenged the same before the City Deputy Collector, (East) Ahmedabad in Appeal Case No. 227 of 2013, which came to be rejected by the order dated 21.03.2016. Thereafter, the

respondents No. 7 to 9 preferred the Revision proceedings before the Collector, Ahmedabad, which came to be allowed by the impugned order dated 24.09.2020. Aggrieved, the petitioners herein preferred revision before the learned SSRD being Revision No. 57 of 2020, which came to be rejected by the impugned order.

3.3 Learned advocate for the petitioners submits that the petitioners had only effected mutation entry on the basis of the judgment and decree dated 20.03.1975 passed in Regular Civil Suit No. 50 of 1975. He submits that the Revenue Authorities were bound to enter the mutation entry on the basis of such decree of the Civil Court. Learned advocate submits that the learned Collector and Secretary (Appeals) has erred in dismissing the revision proceedings.

4. Heard learned advocates for the parties.

5. Considered the submissions and perused the documents on record.

6. It is not in dispute that the predecessor of the respondents No. 7 to 9 was declared as protected tenant by order dated 19.07.1983. Though, the petitioners were having the decree of the Civil Court dated 20.03.1975, the same was

never presented for demarcating the shares between the parties. The Revenue Authorities thereafter have initiated proceedings under Section 32G of the Tenancy Act and purchase price also came to be fixed in favour of the predecessor of the respondents No. 7 to 9. The land came to be purchased by the tenant and the predecessor of respondents No. 7 to 9 became the owner of the said land. Thereafter, the subject land has been converted for non agricultural use and also third parties rights have been created by the respondents No. 7 to 9 after a period of 37 years. The petitioners have made an application for mutation of the entry in terms of the decree dated 20.03.1975. The said mutation entry has been rejected by the learned Collector as well as learned Secretary (Appeals) by the impugned orders. The impugned orders are reasoned orders and in accordance with law. No infirmity could be pointed out by the learned advocate for the petitioners in respect of the reasons so recorded by the Revenue Authorities. The same are upheld. The present writ petition is devoid of merits and is accordingly dismissed. Rule is discharged. No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

SALIM/