

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4021 of 2026**

=====

RAMESHBHAI NAGJIBHAI PATEL & ANR.

Versus

MAMLATDAR & ORS.

=====

Appearance:

MR KASHYAP R JOSHI(2133) for the Petitioner(s) No. 1,2

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

=====

CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 24/04/2026****ORAL ORDER**

1. Heard Mr. Kashyap R. Joshi, learned advocate appearing for the petitioners.

2. By way of present petition, the petitioners herein are constrained to challenge the order passed by the Deputy Collector, Ankleshwar, dated 05.02.2026, in No.Bhumi/Appeal/BHCH-1/2025/Vashi/112 to 115/20 wherein, the respondent No.3 approached the Mamlatdar under Section 5 of the Act.

2.1 It is submitted that both; the petitioner and the respondent No.3 as such are non-agriculturists. The land-in-question is non-agriculture land and in view thereof, the

provisions of Mamlatdars' Court Act, 1906 would not be applicable. It is submitted that while allowing the appeal preferred by the petitioner in part, the learned Deputy Collector remanded the matter back to the Mamlatdar for fresh adjudication. It is the case of the petitioner that in absence of jurisdiction, such order of remand could not have been passed.

3. Issue **Notice** making it returnable on **23.06.2026**.

In the interregnum period, the impugned order dated 05.02.2026 passed by the Deputy Collector, Ankleshwar, is directed to be stayed, till the next returnable date.

(VAIBHAVI D. NANAVATI,J)

NEHA