

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 423 of 2026**

**In R/CIVIL APPLICATION/5914/2025
In F/MISC. CIVIL APPLICATION/29388/2025
In R/SPECIAL CIVIL APPLICATION/17170/2016**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/LETTERS PATENT APPEAL NO. 423 of 2026**

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**MANAV UTTHAN SEWA SAMITI THROUGH ITS AUTHORIZED PERSON
SUHAGIYA BABUBHAI RAVJIBHAI**

**Versus
STATE OF GUJARAT & ORS.**

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Appearance:

**MR HET N SHAH(11211) for the Appellant(s) No. 1
MR SP MAJMUDAR(3456) for the Appellant(s) No. 1
MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3**

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY**

Date : 06/07/2026

**ORAL JUDGMENT
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. This intra-court appeal is directed against the judgment and order dated 13.02.2026, in rejecting the delay condonation application which has been filed seeking for condonation of delay of 2048 days for recall of the order dated 07.01.2020. The order of dismissal of the writ petition for want of prosecution passed on 07.01.2020 is also subject matter of challenge.

2. The learned counsel for the appellant would submit that the petitioner has been non-suited by the writ Court with the dismissal of the delay condonation application filed in the recall application whereby recall of the order dated 07.01.2020 and the restoration of the writ petition was sought, inasmuch as, in the interim, COVID - 19 pandemic intervened.

3. Taking note of this submission, we have proceeded to look to the merits of the case of the petitioner in the writ petition. Pertinent is to note that the writ petition is directed against the orders of the revenue authorities of rejection of application for mutation filed by the petitioner based on the basis of a Will dated 14.09.2004. The petitioner sought mutation on the premise that the Will was a registered document and, moreover, the genuineness thereof has been proved in the probate proceedings. A perusal of the orders passed by the revenue authorities of rejection of the prayer for mutation indicates that there is a categorical finding to the effect that the transfer by way of the Will, to the petitioner is hit by Section 63 of the Gujarat Tenancy and Agricultural Lands Act, 1948.

4. On a query made by the Court, learned counsel for the appellant would submit that the proceedings under Section 84C of the Tenancy Act initiated against the petitioner are pending as on date. A Civil Suit seeking for declaration of the right of the petitioner in the land in question by virtue of the Will dated 14.09.2004 is also pending before the competent Civil Court.

5. Be that as it may, noticing that the writ petition has arisen out of mutation proceedings whereunder the revenue authorities have refused to mutate the name of the petitioner in the revenue records forming an opinion that the transfer by Will is hit by Section 63 of the Tenancy Act, 1948 and substantive proceedings under Section 84C of the Tenancy Act are pending before the competent authority, we do not find it a fit case to interfere on the merits of the claim of the petitioner. No interference, as such, is also called for in the orders impugned of the dismissal of the writ petition for want of prosecution and the rejection of the delay condonation application filed in the recall application.

6. The present appeal, thus, deserves to be dismissed being devoid of merits.

7. However, it is open for the petitioner to pursue the pending proceedings before the competent forum/Court. It is clarified that any observations made by the revenue authorities in the orders passed in the mutation proceedings, which are summary in nature, as well as the observations made by the writ Court, if any, in the orders impugned, shall not come in the way of the petitioner in the pending proceedings. The substantive proceedings under Section 84C shall be dealt with by the competent authority independently without being influenced by any of the observations made in the aforesaid orders.

8. Subject to the above, the present appeal stands dismissed. No order as to costs.

9. In view of the dismissal of the main appeal, the connected Civil Application also stands disposed of.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

VARSHA DESAI