

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6079 of 2026**

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LEGAL HEIRS OF LATE SHRI VAJESANG SEVANDAS CHAUHAN &
ORS.

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR.D K.PUJ(3836) for the Petitioner(s) No.

1,1.1,1.1.1,1.1.2,1.1.3,1.1.4,1.1.5,1.1.6,1.2

GOVERNMENT PLEADER for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 29/04/2026

ORAL ORDER

1. Heard Mr. D. K. Puj, learned advocate appearing for the petitioners.

2. By way of the present petition, the petitioners herein challenge the order dated 07.04.2017 in Revision No. MVV/REV/SBR/8 of 2010 passed by the Secretary, Revenue Department (Appeals) (for short, "SSRD") as well as the order dated 06.06.1997 passed by the Special Recovery Officer.

3. It is submitted that the petitioners were the owners of agricultural land bearing Survey No. 7/1 admeasuring about 2327 Sq mtrs, Survey No. 37 admeasuring about 26305, Survey No. 51/1,

admeasuring about 5059 Sq mtrs and Survey No. 80/2 admeasuring about 9409 Sq mtrs, in all 43100 Sq. mtrs. situated at: Village: Poyada, Taluka: Dhansura, District: Sabarkantha (for short, "land in question").

3.1. The present petition is preferred by the heirs of Shri Vajesang Sevandas Chauhan who passed way in the year 1984. Late Shri Vajesang Sevandas Chauhan had taken crop loan from Aakrund Group Sahakari Mandali Ltd., however, because of stringent financial condition, was not in a position to repay the said loan pursuant to the tune to Rs. 6,797/- with interest.

3.2. In view thereof, the Special Recovery Officer by order dated 06.06.1997 in S.R.O./6/97/2277/8741 recorded the consent of late Shri Vajesang Sevandas Chauhan though he was not alive neither present in the auction nor his consent was sought for and he had not given threat to anyone. Giving effect to the said order, Entry No. 706 was mutated in the record of rights on 20.06.1997 duly certified on 22.12.1997.

3.3. The heirs of Shri Vajesang Sevandas Chauhan, i.e., the petitioners herein repaid the entire outstanding amount to the tune of Rs. 50,000/- on 23.07.2009 pursuant thereto, the respondent no. 3 also issued no objection certificate. Pursuant thereto, the petitioners

herein approached SSRD by preferring MVV/REV/SBR/8 of 2010 which came to be rejected by the impugned order dated 07.04.2017 having stated that there was a delay in approaching the SSRD and that the land in question vested with the State Government.

4. Mr. Puj, learned advocate relies on paragraph no. 6 of the petition to explain the delay in approaching this Court wherein it is explained that one of the heirs of late Shri Vajesang Sevandas Chauhan namely Shri Lalsinh Vajesang Chauhan expired on 02.12.2013 and even the other legal heirs were not aware about such proceedings as well as the order passed by the Secretary. As soon as they came to know about such order and after taking legal advice, filed the present petition.

5. The explanation rendered by Mr. Puj, learned advocate appears to be a plausible explanation.

6. In view thereof, it prima-facie appears that the initial order passed by the Recovery Officer dated 06.06.1997 itself is passed against a dead person.

7. Issue notice making it returnable on 29.06.2026. Ms. Devanshiba Rana, learned AGP waives the service of notice for and on behalf of respondent no. 1.

8. In the interregnum period, let there be status quo as on today qua the land in question.

Direct service is permitted.

KUMKUM

(VAIBHAVI D. NANAVATI,J)