

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17127 of 2022**

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PRAVINSINH BHIMSINH BARAIYA

Versus

STATE OF GUJARAT

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Appearance:

MS. KRUTI M SHAH(2428) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 2,3,4,5

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 08/09/2022****ORAL ORDER**

1. Ms Kruti M. Shah, learned advocate appearing for the petitioners, submitted that the petitioners, are aggrieved by the order dated 2.2/3.2022 passed by the Deputy Collector, Godhra Prant, Godhra.

2. It is submitted that as is discernible from the order dated 27.7.2010 of the Collector, directing maintenance of status quo, the Collector, has almost decided finally. As a result of the inquiry, the Deputy Collector, has passed the order dated 2.2/3.2022 whereby, the sale in favour of the petitioners have been cancelled.

3. Ms Kruti Shah, learned advocate submitted that before passing the order, the Deputy Collector has not offered any opportunity of hearing. Had any opportunity been granted, the petitioners would have explained that not all but, some of them are very much tribals. It is further submitted that in the year 2015, some proceedings were initiated challenging the order passed by

the learned Secretary, Revenue Department (Appeals) (hereinafter referred to as “learned Secretary”) arising out of the same subject matter and this Court, has protected the petitioners therein, directing the parties to maintain status quo.

4. It is submitted that the present petitioners, are similarly situated as of the petitioners of Special Civil Application no.19257 of 2015 and allied matters, except that the petitioners are from different villages of Godhra. It is submitted that there were and are as many as 309 cases of different villages of taluka Godhra.

5. It is submitted that no fruitful purpose would be served relegating the petitioners to approach learned Secretary, in view of learned Secretary having already decided against the petitioners of Special Civil Application no.19257 of 2015 and allied matters.

6. Considered the submissions. Issue notice, returnable on 22.11.2022. In the meantime, the parties are directed to maintain status quo. Direct service is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)