

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8283 of 2019

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Approved for Reporting	Yes	No
		✓

JAIMIN MAHESHBHAI KOTHARI & ANR.
 Versus
 SPECIAL SECRETARY & ORS.

Appearance:

MR DHAVAL DAVE, SENIOR ADVOCATE for MR ANAL S SHAH(3988) for the Petitioner(s) No. 1,2

MR JAYNEEL S PARIKH, ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1

MR Y V VAGHELA for MR MEHUL H RATHOD(701) for the Respondent(s) No. 5.1,5.2

MS NILAM N CHAUHAN(6635) for the Respondent(s) No. 5.1,5.3,5.4

NOTICE SERVED BY DS for the Respondent(s) No. 2,3,4

CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 06/05/2026

JUDGMENT

1. Heard Mr. Dhaval Dave, learned Senior Advocate for Mr. Anal S. Shah, learned advocate appearing for the petitioners, Mr. Jayneel Parikh, learned AGP appearing for the respondent No. 1, Mr. Y.V. Vaghela, learned advocate for Mr. Mehul Rathod appearing for the respondent Nos. 5.1 and 5.2.

2. By way of the present petition, the petitioners herein have prayed for the following prayers:

“a. This Hon'ble Court may be pleased to quash and set aside the impugned order dated 08.06.2018 passed by Respondent No. 1 in RTS Revision Application No. HKP/VDD/184/2017 (at Annexure-"A" to the petition);

b. This Hon'ble Court may further be pleased to quash and set aside the impugned order dated 08.05.2017 passed by Respondent No. 2 Collector, Vadodara in RTS Revision Application No. 62 of 2016 and the order dated 15.10.2015 passed by Respondent No. 3 Dy. Collector, Vadodara in R.T.S. Appeal No. 199 of 2012 (at Annexure-"E" & "F" respectively to the petition);

c. This Hon'ble Court may be pleased to confirm the order passed by Mamlatdar, Vadodara certifying mutation entry no.10166 made in revenue records of the said land in pursuance of registered sale deed dated 08.08.2011 executed in favour of the Petitioners;

d. Pending admission, hearing and final disposal of this petition, your Lordships be pleased to stay the operation, implementation and execution of the order dated 08.06.2018 passed by Respondent No. 1 (at Annexure-"A"), the order dated 08.05.2017 passed by Respondent no. 2 (at Anexure-"E") and order dated 15.10.2015 passed by Respondent no. 3 in RTS Appeal No. 199 of 2012 (at Annexure-"F"), in the interest of justice;

e. Such other and further relief(s) as are deemed fit in the interest of justice and equity be granted.”

3. By way of the present petition, the petitioners herein have challenged the order passed by the learned Special Secretary – respondent No. 1 herein in Revision Application No. HKP/VDD/184/2017 dated 08.06.2018 rejecting the petitioners' Revision Application on the ground that the parties are at large before the competent Civil Court wherein Regular Civil Suit No. 656 of 2011 is pending.

4. Mr. Dave, learned Senior Advocate submits that the parties have arrived at a settlement before the learned Civil Court which was produced below Exhibit – 173 and in view thereof, the suit was disposed below Exhibit – 1 by order dated 25.03.2026.

5. In view of the aforesaid, the learned advocates appearing for the respective parties have jointly submitted that the prayers as prayed for in the present petition be allowed in terms of the settlement arrived at between the parties outside the Court.

6. Learned advocates for the respective respondents submitted the affidavits-in-reply of the respondent Nos. 5.1 – 5.4, the same is taken on record. At this stage, it is apposite to reproduce the affidavit in reply filed by the respondent No. 5.1 which reads thus:

“AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5.1:

I, Dhanuben wd/o. Ranjitsingh Rana, aged about 88 years, the respondent no.5.1 herein, do hereby solemnly affirm and state on oath as under:

1. That, I have been read over the memo of petition and explained the memo of petition in Gujarati and I understood the same properly. I say that, as I am the respondent no.5.1 herein and conversant with the facts of the present case, I am competent to file this affidavit.

2. At the outset, I deny each and every allegation, averment, submission and statement made in the memo of the petition, except those, which are specifically admitted by me herein in this affidavit. I

further say and submit that, no part of this petition may be construed as an admission on my part on the ground that the same is neither denied nor specifically dealt with by me in this reply.

3. At the further outset, I say and submit that, I am filing this affidavit for the limited purpose of placing on record certain facts before this Hon'ble Court and I reserve the liberty to file a detailed and further affidavit, if and when it requires to be done in the interest of justice.

4. That, after filing of the present petition the parties to the disputes have settled their disputes and don't intend to further litigate the issue. It is submitted that the parties to the disputes have also executed consent terms for the settlement of the disputes between the parties. It is submitted that, pending civil litigation i.e. Special Civil Suit No.656 of 2011 which was instituted by the respondent nos.5.1 to 5.4 herein and other plaintiffs before the Court of Ld. 23rd Additional Senior Civil Judge, Vadodara was also disposed of in terms of consent terms executed between the parties. A copy of consent terms and consent decree passed in Special Civil Suit No.656 of 2011 are annexed herewith and marked as Annexure-R/1 and Annexure-R/2 respectively to this additional affidavit.

5. That, I say and submit that, in view of the said settlement, the deponent states and declares before this Hon'ble Court that, the deponent has no objection in case, appropriate orders in consonance to the consent terms executed between the parties (produced at Annexure-R/1) are passed in the present petition i.e. the present petition is allowed and Revenue Entry No.10166 is certified, subject to adherence to the stipulations of the consent terms by all the parties to the present litigation.

In view of what is stated hereinabove, this Hon'ble Court may be pleased to allow the present petition.

What is stated hereinabove is true to the best of my knowledge, information and belief and which I have derived from the official records, and I believe the same to be true.

Solemnly affirmed on this 30th day of April, 2026 at Vadodara.”

7. In light of the aforesaid and upon the statement made by Mr. Vaghela, learned advocate appearing for Mr. Mehul Rathod, learned advocate appearing for the respondent Nos. 5.1 & 5.2 and also reiterating that the parties have arrived at a settlement and the Civil suit No. 656 of 2011 is disposed in terms of the settlement deed produced below Exhibit – 173.

8. The impugned order passed by the respondent No. 1 dated 08.06.2018 in RTS Revision Application No. HKP/VDD/184/2017, the impugned order dated 08.05.2017 passed by the respondent No. 2 in RTS Revision Application No. 62 of 2016 and the order dated 15.10.2015 passed by respondent No. 3 in RTS Appeal No. 199 of 2012 are quashed and set aside. Consequently, the mutation Entry No. 10166 is directed to be certified within a period of eight weeks from the date of receipt of this order following due procedure under the Code.

9. With the aforesaid direction, the present petition is allowed.

SHAHANAZ

(VAIBHAVI D. NANAVATI,J)