

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 5736 of 2025**

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VELAN MATSYAUDYOG SEVA SAHKARI MANDLI LIMITED
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR VIMAL A PUROHIT(5049) for the Petitioner(s) No. 1

MR YASH N NANAVATY(5626) for the Petitioner(s) No. 1

MR JK SHAH, ASST. GOVERNMENT PLEADER for the Respondent(s) No.
1,2,3

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 28/04/2025

ORAL ORDER

1. Heard learned Senior Advocate Mr.N.D.Nanavaty appearing with learned Advocate Mr.Yash Nanavaty on behalf of the petitioner and learned Assistant Government Pleader Mr.J.K.Shah appearing on behalf of the respondent - State.

2. By way of this petition, the petitioner challenges a notice dated 12.03.2025 issued by the Mamlatdar, Kodinar in Encroachment Case No.03/2025.

3. While learned Senior Advocate would question the allegations leveled in the notice under Section 61 of the Gujarat Land Revenue Code on various aspects, to this Court, it would appear that the issue requires to be agitated by the petitioner before the concerned authority i.e. the Mamlatdar.

3.1. While the learned Senior Advocate would agitate that action by the State Authorities in case they come to a conclusion that the petitioner has encroached upon the property in question would be swift in an accelerated mode, to this Court, it would appear that any decision under Section 61 would be followed by an appropriate notice with appropriate time granted to any party under Section 202.

4. In any case, to allay the apprehension of the petitioner, laying down a time frame for implementation of any order under Section 61 which might be passed against the interest of the petitioner, would meet with the ends of justice. At this stage, learned Senior Advocate Mr.Nanavaty would submit that some reasonable time may be accorded to the petitioner more particularly since the Chairman of the petitioner society has some serious medical issues which may prohibit him from travelling frequently. Hence, the following directions are passed:-

(i) The petitioner to appear before the Mamlatdar, Kodinar with whatsoever defenses the petitioner has against the allegations levelled in notice dated 12.03.2025 under Section 61 of the Gujarat Land Revenue Code, 1879.

(ii) The Mamlatdar, Kodinar shall take an appropriate decision after affording appropriate opportunity to the petitioner.

(iii) In case, the ultimate decision of the Mamlatdar under Section 61 would be adverse to the interest of the petitioner, then the same shall, as per the law, be followed by a notice under Section 202.

(iv) It is further clarified that in case of an adverse order as above, the notice under Section 202 shall be issued only after a period of four weeks from the date the order in question is passed.

5. With these observations and directions, the present petition stands disposed of as withdrawn. It is clarified that this Court has not gone into the merits of the matter and whereas, the Mamlatdar shall take an appropriate decision strictly in accordance with law and in accordance with the extant policies of the State.

(NIKHIL S. KARIEL,J)

Bhoomi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 28/04/2025 14:31:35