

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 5175 of 2025**

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PRAGNESHBHAI ISHWARBHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AMIT K DAVE(5860) for the Petitioner(s) No. 1

MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3,4

NANAVATI & CO.(7105) for the Respondent(s) No. 6

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 30/04/2025

ORAL ORDER

1. Heard learned advocate Mr.Amit Dave appearing on behalf of the petitioner, learned Assistant Government Pleader Mr.Nikunj Kanara appearing on behalf of the respondent - State and learned advocate Mr.Maulik Nanavati appearing for Nanavati and Company on behalf of respondent no.6.

2. By way of this petition, the petitioner challenges an order dated 28.03.2025 passed by the Principal Secretary and Resident Additional Collector, Vadodara insofar as the said order directs measurement of the land in question, undertaking process of K.J.P. and mutating the same in the revenue record.

3. The grievance being that such a direction could not have been issued in any case under the powers available to the authorities under the Land Grabbing Act and more particularly could not have been issued when the authorities were consigning the application under the Land Grabbing Act to file.

4. Considering the submissions made by learned advocate Mr.Dave and prima facie finding force in the same, since it appears that the Land Grabbing Act does not empower the authorities to undertake proceedings which are core revenue functions, issue **Notice for final disposal to the respondents, returnable on 04.07.2025.**

4.1. By way of interim relief, order dated 28.03.2025 insofar as it directs taking measurement of the land in question, undertaking process of K.J.P. and mutating the details in the revenue record are stayed. It is clarified that rest of the order is not stayed.

Bhoomi

(NIKHIL S. KARIEL,J)

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 01/05/2025 18:05:15