IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 6544 of 2026

==

RAMESHBHAI BHANABHAI BHAGAT & ORS.
Versus
STATE OF GUJARAT & ORS.

==

Appearance:
MR NV GANDHI(1693) for the Petitioner(s) No. 1,2,2.1,2.2, 2.3,2.4,v 3,3.1,3.2,3.3,3.4,3.5,3.6
MR. JWALANT VORA, AGP for the Respondent(s) No. 1,2,3

==

CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**

Date : 05/05/2026

ORAL ORDER

1. Issue ***Rule***, returnable forthwith. Mr. Jwalant Vora, learned Assistant Government Pleader waives service of Rule for and on behalf of the respondent – State authorities.

2. Heard Mr. N.V. Gandhi, learned advocate appearing for the petitioners and Mr. Jwalant Vora learned Assistant Government Pleader appearing for the respondent – State authorities.

3. By way of the present petition, the petitioners are

constrained to invoke Article-226 of the Constitution of India, wherein, by the impugned communication / order dated 24.02.2026, the respondent no.3 declined to mutate the entry of lis-pendense registered at serial no. 12766 of 2011 before the Sub-Registrar, Athwa, Surat in the revenue record of Village: Vesu, Tal.: Choryasi, Dist.: Surat (Annexure-C), mainly relying on the circular dated 30.05.2022 bearing No. HKP/102022/916/J/Sachivalay/Gandhinagar, which provides that for the provision of the Gujarat Land Revenue Code in the revenue record, concerned Judicial Court can pass appropriate order for recording the lis-pendense in an entry.

4. Mr. Gandhi, learned advocate, relies on the order passed in SCA No. 1877 of 2023 dated 14.02.2023 and submits that the aforesaid issue is no longer res-integra, wherein, the Court from time to time had directed to record the mutation of the entry of lis-pendense.

5. Mr. Jwalant Vora, learned AGP is not in a position to controvert the aforesaid submissions made by Mr. N.V. Gandhi,

learned advocate appearing for the petitioners.

6. The present petition is governed by the position of law as laid down in the case of ***Dipakbhai Manilal Patel & Anr. v/s. State of Gujarat & Anr.*** reported in ***2007 2 GLR 1297*** and order dated 14.02.2023 passed in SCA No. 1877 of 2023. At this stage, it is apposite to refer to the order dated 14.02.2023 passed in SCA No. 1877 of 2023, wherein, the aforesaid ratio laid down in ***Dipakhai (supra)*** has also referred in the said order. Para-7 of the order dated 14.02.2203, reads thus:

> "7. As noted hereinabove, this Court in identical case, in the case of **Dipakbhai Manilal Patel and Anr. (supra)** has observed thus:
>
> > *"5. If the provisions of Section 52 read with aforesaid amendment for Gujarat State are considered, the principles of lis pendens would apply to a transaction if entered after institution of Suit only, if such notice of lis pendens is registered under the Indian Registration Act, 1908 and as per the provisions of the amendment, the notice of pendency of the suit should contain the details as per subsection 2 of the amendment in Section 52, which is applicable to the Gujarat State. The essential purpose of the aforesaid amendment is to see that any person who may be interested to purchase the property when undertakes the title search of the property with the sub-registrar, the person concerned would be put to notice that a particular suit is pending before the competent Court and therefore, he may not be misguided or if with conscious knowledge, the person concerned has purchased the property, the purchaser may not be in a position to*

contend that he was not aware about the pendency of the litigation and consequently, the Suit may not be frustrated or the principles of lis pendens can have its full effect as per the provisions of Transfer of Properties Act.

6. Therefore, it appears that the stand of the Mamlatdar that such documents is not as per the provisions of the Transfer of the Properties Act is not correct and once a registered document is there, pertaining to the property in question, it is required for the Mamlatdar to enter the same in the revenue record of the Government. Of course, after undertaking the procedure, as may be required under the Bombay Land Revenue Code or other relevant law of giving notice to the affected party and thereafter to mutate the entry.

7. In view of the aforesaid, the order dated 19.07.2006 passed by Mamlatdar(Annexure-C) is quashed and set aside with the direction that Mamlatdar shall treat the document as valid as per the provisions of the Transfer of Properties Act read with the provisions of India Registration Act and shall further proceed in accordance with law for entering the same in the relevant record after undergoing the procedure as required under the Bombay Land Revenue Code read with the provisions of Gujarat Land Revenue Rules."

7. In light of the aforesaid position of law as referred to herein-above and also the government circular dated 30.05.2022, the impugned order passed by the respondent no.3 dated 24.02.2026 is required to be quashed and set aside and hereby quashed and set aside. The respondent no.3 to mutate the entry of lis-pendense registered at serial no. 12766 of 2011 before the

Sub-Registrar, Athwa, Surat in the revenue record of Village: Vesu, Tal.: Choryasi, Dist.: Surat, regarding pendency of the Special Civil Suit No. 403 of 2011 pending before the Principal Senior Civil Judge, Surat.

8. With the aforesaid directions, the present Petition stands ***allowed*** to the aforesaid extent, keeping open all the rights and contentions that may be taken in the suit proceedings by the respective parties.

Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman