

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5985 of 2025**

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HARIJAN MAKNABHAI DHANABHAI & ORS.

Versus

DEPUTY MAMLATDAR & ORS.

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Appearance:

MS. ALKA B VANIYA(6945) for the Petitioner(s) No. 1,2,3

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

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 01/05/2025****ORAL ORDER**

1. Heard learned Advocate Ms. Alka B. Vaniya for the petitioners and learned AGP Mr. Nikunj Kanara for the respondent-State.

2. By way of this petition, the petitioners challenge an interim order dated 04.03.2025 passed by the SSRD in Revision Application No. MVV/HKP/BNS/99/2024.

3. Considering the submissions made by learned Advocate Ms. Vaniya and having perused the documents on record, it would appear that the private respondent herein had questioned mutation of entry No. 1239 before the Deputy Collector after a delay of 16 years and whereas vide an order dated 28.12.2023, the Deputy Collector had directed cancellation of the said entry. It would appear that being aggrieved by the said decision, the petitioners had approached the Collector, Banaskantha, who vide his order dated 27.06.2024 had set aside the order passed by the Deputy Collector, more particularly noting that the Deputy Collector had not condoned the delay of 16 years based upon any cogent reasons and had

condoned the delay only on the ground of the illiteracy of the party. The Collector also inter alia notes the the Deputy Collector while considering aspects under the revenue jurisdiction, ought not to have entered into aspects with regard to substantive rights of the parties. The Collector also further notes that insofar as the dispute with regard to stamp duty whether having been paid or not, that should have been decided in separate independent proceedings.

3.1 It would appear that the private respondent had challenged the order of the Collector before the SSRD and vide interim order dated 04.03.2025, the SSRD had stayed the order passed by the Collector, Banaskantha, being aggrieved by which order, the petitioners have approached this Court. It would appear in this regard that the interim order of the SSRD does not reflect any cogent reasons for grant thereof, more particularly the only reason which could be ascertainable was that if there is no interim relief granted then the same may result in multiplicity of proceedings.

3.2 Prima facie it would appear to this Court that when an entry is challenged after a huge delay of around 16 years and while the Deputy Collector had cancelled the entry vide a speaking order, setting out cogent reasons the order of the Deputy Collector having been set aside by the Collector, the SSRD ought not to have intervened at the interim stage, more particularly without stating/specifying reasons for such interference. In any case, to this Court it would appear that ends of justice would be met if the SSRD is directed to hear the revision application as expeditiously as possible and whereas till such time, the interim order passed by the SSRD is stayed.

4. Having regard to the above proposition, issue **Notice for final**

disposal returnable on **26.06.2025**. Learned AGP Mr. Kanara waives service of notice for respondent No. 4 - State. Direct service for rest of the respondents is permitted.

5. By way of interim relief, the order passed by the SSRD dated 04.03.2025 in Revision Application No. MVV/HKP/BNS/99/2024 shall remain stayed.

BDSONGARA

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 01/05/2025 18:49:01