

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6379 of 2026**

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BHUPATBHAI NAGJIBHAI BOGHANI & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR. NIKHIL R OZA(9911) for the Petitioner(s) No. 1,2,3,3.1,3.2,3.3****MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1,2,3,3.1,3.2,3.3****GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 01/05/2026****ORAL ORDER**

1. Heard Ms. Kruti Shah, learned advocate with Mr. Nishit P. Gandhi, learned advocate appearing for the petitioners.

2. By way of present petition, the petitioners are challenging the order dated 20.01.2026 passed by Deputy Collector in RTS/Appeal/Case No. 76/2025, whereby, the Deputy Collector has quashed and set aside the order dated 06.01.2018 passed by DILR Ahmedabad with regard to KJP Durasti and has

further cancelled entry no. 1354 mutated pursuant to the said order.

3. It is submitted that the impugned order is wholly without jurisdiction as the Deputy Collector has no authority under Section-203 of the Gujarat Land Revenue Code (for short 'the Code') to entertain an Appeal against the order of DILR, as the immediate superior of the DILR is Superintendent Land Records (SLR). It is further submitted that, no Appeal was filed, a proposal sent by DILR pursuant to the order of Collector, has been treated as an Appeal, which is impermissible. It is further submitted that as per Section-205 of Code, an Appeal is required to be filed within period of 60 days and proposal even if considered as Appeal is filed after the delay of 7 years and without there being any application for condonation of delay and in absence of such delay condonation application, the Deputy Collector will not have any authority under law to entertain an Appeal. It is further submitted that the subject matter of the Appeal was only the entry no. 1354, and the impugned order is

passed beyond the scope of proceedings.

4. Submissions advanced by Ms. Shah, learned advocate, prima-facie requires consideration. Issue **NOTICE** returnable on **30.06.2026**. Mr. Jayneel Parikh, learned AGP waives service of notice on behalf of the respondent no.1.

5. In the interregnum period, the impugned order dated 20.01.2026 passed by the respondent no.2 in RTS Appeal Case No. 76 of 2025 (Annexure-Z) is directed not to be acted upon, till the next returnable date.

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman