

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 5681 of 2026**

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JAYSHREEBEN BHUPENDRABHAI PANDYA &amp; ANR.

Versus

STATE OF GUJARAT &amp; ORS.

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Appearance:

MR ABHISHEK R SHARMA(10751) for the Petitioner(s) No. 1,2

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 22/04/2026****ORAL ORDER**

1. Heard Mr. Vimal A. Purohit, learned advocate appearing for Mr. Abhishek R. Sharma, learned advocate appearing for the petitioners.

2. Mr. Purohit, learned advocate submits that the petitioners herein are constrained to approach this Court challenging the impugned order passed in Tenancy/100/122/Ganot Case No.19 of 2025 by the Mamlatdar & ALT, Anjar, dated 27.03.2026, invoking powers under Section 122 read with Section 89D(2)(i) (ii) of the Bombay Tenancy and Agricultural Land (Vidarbha Region and Kutch Area) Act, 1958 at the instance of a busy body wherein, by the impugned order, in exercise of such powers, penalty to the tune of Rs.22 crores approximately is

imposed upon the petitioners herein. It is submitted that the aforesaid action is violative of cardinal principles of natural justice. It is submitted that there are other purchasers also who are not arraigned as party respondents. It is submitted that without impleading the petitioners herein as party respondents, the finding of fact arrived at that, the petitioners failed to produce proof of an agriculturist.

2.1 It is submitted that the impugned order suffers from violation of the principles of natural justice and misjoinder of necessary parties. It is submitted that the proceedings are initiated even otherwise after a delay of 19 years for the purchase made by the petitioner No.1 in the year 2007 and the proceedings are initiated at the instance of a busy body; having no right, title or interest in the property, in the year 2026. It is submitted that while invoking the provisions of Section 89D(2)(i)(ii) of the Bombay Tenancy and Agricultural Land (Vidarbha Region and Kutch Area) Act, 1958 i.e. the amended Act i.e. the Gujarat Act No.28 of 2015, which came into force in the year 2015, the transaction in question is of the year 2007.

2.2 Placing reliance on the ratio laid down by the Hon'ble

Division Bench in **Letters Patent Appeal No.813 of 2020**, it is submitted that the same can be given effect to and is operative prospectively, the transaction in question is prior to 2015 and in view thereof, the imposition of penalty to the tune of Rs.22 crores, is contrary to the provisions of the Act.

3. Issue **Notice** making it returnable on **19.06.2026**. Mr. Jayneel Parikh, learned AGP waives service of notice for and on behalf of the respondent No.1.

Direct service qua rest of the respondents is permitted.

In the meantime, interim relief in terms of paragraph 39(D), as prayed for, is granted.

**(VAIBHAVI D. NANAVATI,J)**

NEHA