

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 5905 of 2026

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SANDIP GANPATBHAI PATEL & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AMIT V THAKKAR(3073) 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 : 27/04/2026

ORAL ORDER

1. Heard Mr. Deshal Modi, learned advocate for Mr.

Amit V. Thakkar, learned advocate appearing for the petitioners.

2. By way of the present petition, the petitioners herein

are constrained to approach this Court challenging the order

passed by the learned Special Secretary Revenue Department (for

short ‘SSRD’) in Revision Application No.

MVV/HKP/BHCH/32/2024 dated 20.02.2026, confirming the order

passed by the learned Collector dated 24.09.2024 in RTS Suo-

Motu Case No. 3 of 2024, wherein, the petitioners herein purchased out of the total land admeasuring 1-64-23 Hectore-Are-Sq.mtrs., i.e. 16423.00 sq.mtrs., the land admeasuring 0-22-80 Hectore-Are-Sq.mtrs. i.e. 2280.00 sq.mtrs. only, by way of the registered sale deed.

3. It is submitted that the entry of the registered sale deed was mutated in the revenue record by way of mutation entry no. 4291 dated 31.03.2023. Subsequently, the respondent authorities exercising the suo-motu powers under Rule-108(6) of the Gujarat Land Revenue Rules, took the said entry in the revision, on the ground of breach of provision of the Fragmentation Act, wherein, by order dated 24.09.2024 passed in RTS-SUTOMO/BHCH/3/2024, the said entry no. 4291 certified on 31.03.2023, is rejected. The aforesaid was challenged before the learned SSRD, wherein, the learned SSRD also confirmed the order passed by the learned Collector dated 24.09.2024.

4. Mr. Modi, learned advocate relies on the Section 2(4) and Section 8 of the Fragmentation Act.

5. It is submitted that, in the facts of the present case, while the petitioners purchased the land, the same is un-partitioned land, the same would not give rise to the provisions of the Fragmentation Act. It is also submitted that, the aforesaid exercise is cross-utilization of the powers, wherein, the powers are exercised under Rule-108(6) of the Rules, for the breach of Fragmentation Act.

6. Submissions advanced by Mr. Modi, learned advocate, prima-facie requires consideration. Issue ***NOTICE*** making it returnable on ***25.06.2026***.

7. In the interregnum period, the impugned orders dated 20.02.2026 passed by the SSRD (Annexure-A) and dated 24.09.2024 passed by the Collector, Bharuch (Annexure-E) are directed not to be acted upon, till the next returnable date, in the interest of justice.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman