

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6332 of 2025**

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HAMUDIBEN D/O JETABHAI KALMI AND W/O KAPURBHAI NATHABHAI
DAMOR
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:

MR SHAIVANG D MEHTA(5623) for the Petitioner(s) No. 1
MR JAYNEEL PARIKH AGP for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 02/05/2025
ORAL ORDER

1. Heard learned advocate Mr. Shivang D Mehta for the petitioner and learned AGP Mr. Jayneel Parikh for respondent-State.

2. By way of this petition, the petitioner has challenged an order dated 24.03.2025, more particularly, whereby the SSRD has confirmed an order passed by the Collector Dahod in Application for condonation of delay No. 56 of 2023.

3. Considering the submissions made by learned advocate Mr. Mehta and having perused the documents on record, it would appear that before the Collector, the private respondents herein, were challenging an order dated 05.07.2003, more particularly, after a delay of approximately 19 years. The Collector, while considering the application for condonation of delay, except for stating that in the facts of the case, condoning the delay and hearing the case on merits would be

appropriate, has not given any cogent reasons for condoning the delay. It would also appear that the said order has been confirmed by the SSRD, more particularly, on the ground that there is a possibility that the order in question, dated 05.07.2003, does not appear to have been come to the notice of the private respondents. Such an observation inspite of the fact that effect of order dated 05.07.2003 had been mutated vide entry no. 943 in the Revenue Record on 27.02.2013.

4. Considering such a position, since it prima facie appears to this Court that sufficient cause has not been made out for condoning delay by the Collector and since such an order appears to have been upheld by the SSRD. At this stage, intervention is required.

5. Hence, issue NOTICE to the respondents returnable on 18.07.2025. Learned AGP waives service of notice for and on behalf of respondent-State.

6. By way of ad-interim relief, the impugned orders dated 24.03.2025 passed by the learned Secretary(Appeals), Revenue Department, Ahmedabad in Revision Application No. MVV/HKP/DAHOD/7/2025 (stay) as well as RTS/Delay Application No. 56/2023, are hereby stayed.

Direct service qua rest of the respondents is permitted.

(NIKHIL S. KARIEL,J)

Radhika

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RADHIKA ABHILASH(HCD0042), Steno Gr II, at High Court of Gujarat on 02/05/2025 18:05:00