

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8762 of 2026****With
R/SPECIAL CIVIL APPLICATION NO. 6640 of 2026**

=====

LAND ACQUISITION OFFICER AND DEPUTY COLLECTOR BHUJ

Versus

JITENDRA RAMJI RAJDE & ANR.

=====

Appearance:

MR. CHIRAGKUMAR UPADHYAY, ASST. GOVERNMENT PLEADER for the
Petitioner(s) No. 1

MR SP MAJMUDAR(3456) for the Respondent(s) No. 1,2

MS KRISHNA S SHAH(13157) for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 11/08/2026****ORAL ORDER**

1. This Court vide its order dated 03.07.2026, passed the following order:-

“1. Heard Mr. Chirag Upadhyay, learned AGP for the petitioner and Mr. S. P. Majmudar, learned advocate with Ms. Krishna S. Shah, learned advocate appearing for the respondent no. 1 – Caveator.

2. At the outset, Mr. Chirag Upadhyay, learned AGP, under the written instructions of his client, namely Sub-Divisional Magistrate, Bhuj, submits that the petitioner without prejudice to rights and contentions of the petitioner, will deposit the decretal amount with the Executing Court within a period of 30 days from the date of receipt of copy of this order.

3. Having heard the learned advocates appearing for the respective parties and considering the fact that the petitioner is facing attachment warrant issued by Executing Court pursuant to the Execution Petition filed by the respondent no. 1 for

executing the money decree, at this stage, without observing anything on merit, I am of the considered view that the petitioner is required to deposit the decretal amount with the Executing Court on or before 03.08.2026 and on such condition, the impugned order dated 21.04.2026 passed by the Principal Senior Civil Judge, Bhuj below Exh.-11 in Execution Petition (R) No. 196 of 2025 is stayed.

4. It has been informed to this Court that the said execution petition is filed by the respondent no. 1 against both judgment debtors, i.e., petitioner as well as the respondent no. 2 herein. The respondent no. 2 herein appears to have filed an independent writ petition being Special Civil Application No. 6640 of 2026 and the next date of hearing of the said petition is fixed on 06.08.2026.

*5. In view of the above, Issue **Notice**, returnable on **06.08.2026**. Mr. S. P. Majmudar, learned advocate waives the service of notice for and on behalf of respondent no. 1.*

6. To be listed with Special Civil Application No. 6640 of 2026, on top of the Board.

*Direct service **today**, is permitted.”*

1.1 Thereafter, on 06.08.2026, it passed the following order:-

“At the outset Mr. Chiragkumar Upadhyay, learned AGP has informed this Court that as per the earlier order passed by this Court, the amount is deposited with the Executing Court.

Stand over to 10th August, 2026. Interim relief granted earlier, to continue till then. List on top of the board.”

2. When these matters taken up for hearing, it is brought to my notice by Mr. S.P.Majmudar, learned advocate for the respondents – decree holder that till date, amount is not deposited though a statement made by learned AGP.

3. Mr. Chiragkumar Upadhyay, learned AGP has tried to explain the situation and place reliance upon the communication between the Office of Dy. Collector, Bhuj (Land Acquisition Officer) with the Office of Asst. Government Pleader, High Court of Gujarat, Sola as well as internal communication between Office of Collector with Prant Officer, Bhuj-Kutchchh and letter dated 01.08.2026 addressed by Dy. Collector, Bhuj (Land Acquisition Officer), to Principal Senior Civil Judge, Bhuj.

4. All these letters and communications are taken on record.

5. Mr. Upadhyay, learned AGP has submitted that the amount has been sanctioned by the Higher Officer of the Revenue Department and it is lying with the Office of Collector, Bhuj and it will be deposited as soon as the order which may be passed by this Court and / or by Executing Court.

6. *Prima facie*, considering the aforesaid facts brought on record, until date, the petitioner – Land Acquisition Officer and Dy. Collector, Bhuj has not deposited the amount with Executing Court; rather a false statement has been made through learned AGP that amount is deposited. Moreover, the aforesaid letter dated 01.08.2026 addressed by petitioner – Land Acquisition Officer and Dy. Collector, Bhuj to Principal Senior Civil Judge, Bhuj-Kutchchh, which is not only deplorable state of affairs but it is objectionable one, as the case may be. The petitioner, happens to be litigant before the Civil Court, could not have directly communicated to the Civil Court concerned.

7. To explain this state of affairs by the petitioner, i.e., Land Acquisition Officer and Dy. Collector, Bhuj, (Dr. A.B.Jadav) , a time is granted to the petitioner. Learned AGP is hereby directed to communicate this order to the petitioner concerned and by next date of

hearing, he is required to submit his explanation on oath.

8. Stand over to **13th August, 2026**. List on top of the board. Interim relief granted earlier in SCA No.6640 of 2026 to continue till then.

Lalji Desai

(MAULIK J.SHELAT,J)