

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9309 of 2021**

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NARSHIBHAI DIYALBHAI KALATHIYA

Versus

DEPUTY COLLECTOR, BOTAD

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Appearance:

MS MEGHA JANI(1028) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4

MS DHARITRI PANCHOLI AGP (99) for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 02/07/2021****ORAL ORDER**

Heard Mr.Meet Pansuriya, learned advocate for Ms.Megha Jani, learned advocate for the petitioner.

Mr.Pansuriya, learned advocate tendered draft amendment. Amendment is allowed in terms of draft. The same shall be carried out forthwith.

Mr.Pansuriya, learned advocate submitted that the Collector has not appreciated that as per the registered sale deed No.513 dated 04.08.1971, the right of way to access the land bearing Survey No.293/3 is through Botad, Hamapar route, turning towards the east in Survey No.293. It is submitted that as per the provisions of the Mamlatdars' Courts Act, 1906, it is the obligation of the party approaching the Court, to mention the date on which the cause of action arose; however, no date has been referred to in the plaint filed before the Mamlatdar. In absence of any cause of action on the part of the respondents, the suit could not have been entertained.

Considering the submissions, issue notice, returnable on **19.07.2021**. Direct service is permitted.

(SANGEETA K. VISHEN,J)

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