

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6976 of 2026**

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VRUNDAVAN CO.OPERATIVE HOUSING SOCIETY LTD.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR APURVA R KAPADIA(5012) for the Petitioner(s) No. 1

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

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 07/05/2026****ORAL ORDER**

Heard Mr.M.R.Bhatt, learned senior advocate assisted by Mr.Apurva R.Kapadia for the petitioner.

By way of the present petition, the petitioner herein has approached this Court challenging the impugned notice bearing No.Ganot/Case/Santej/84-C/02/2026 dated 13.3.2026. The transaction had taken place as back as in 1982-83 for registered sale deed and the society came to be registered on 12.3.1981 bearing registration No.G/8024/81.

It is submitted that initiation of such 84-C proceedings after a delay of 44 years are always barred as having initiated such proceedings beyond reasonable period. Further, it is submitted that the transaction having been executed in the year 1982 in favour of the petitioner is exempted under the provisions of Section 64A of the

Tenancy Act deleted by Gujarat Act 21 of 1987. In view thereof also, initiation of such proceedings is without jurisdiction. Reliance is placed on the ratio laid down in the decision reported in (1997) 6 SCC 71 wherein it is held that the proceedings under Section 84-C of the Tenancy Act could not be initiated after one year and such action is without jurisdiction and unsustainable.

The submissions made by Mr.M.R.Bhatt, learned senior counsel, prima facie, require consideration.

Issue Notice returnable on 3.7.2026. In the meantime, there shall be ad-interim relief in terms of paragraph 31-C.

H.M. PATHAN

(VAIBHAVI D. NANAVATI,J)