IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8752 of 2026

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NIMITKUMAR JAYANTIBHAI PATEL
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:
MR AMAR D MITHANI(484) for the Petitioner(s) No. 1
MS DEVANSHIBA RANA, AGP for the Respondent(s) No. 1,2,3

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 30/06/2026
ORAL ORDER

1. Heard learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner that the subject lands were in the name of the father of the petitioner along with other family members. That on account of death of the father of the petitioner, the names of all the legal heirs came to be mutated by mutation entry no.5028 dated 13.12.1995. He further submits that thereafter by way of a relinquishment application submitted by the legal heirs, an entry no.5029 dated 13.12.1995 came to be recorded and was also certified on 07.02.1996. He further submits that thereafter mutation entry no.5302 came to be recorded in respect of family arrangement/partition on 22.07.1997 and the same also came to be certified on 16.09.1997. He submits that thereafter many transactions took place in respect of the subject land and various mutation entries also came to be recorded including creating of encumbrance as well as sale to other parties. He submits that the respondent nos.4 and 5 herein preferred RTS Appeal No.195 of 2022

and 196 of 2022 challenging the mutation entry nos.5029 and 5302. Pending the said appeals, the said respondents made an application dated 16.07.2022 to respondent no.2-Collector, Anand for initiation of suo motu proceedings, which came to be registered as Suo Motu Revision No.12 of 2022. He submits that by a detailed reasoned order dated 15.12.2022, the respondent no.2-Collector, Anand has filed the Suo Motu Revision No.12 of 2022 upholding the mutation entry nos.5029 and 5302. He submits that the respondent nos.4 and 5 thereafter approached the learned Secretary (Appeals), Revenue Department by filing Revision Application No.3 of 2023. The learned Secretary (Appeals), Revenue Department has partly allowed the Revision Application No.3 of 2023 and cancelled the order dated 15.12.2022 passed by the Collector, Anand directing that the respondent nos.4 and 5 herein be granted full opportunity to present their case and to decide afresh the mutation entry nos.5029 and 5302. He submits that the proceedings have been initiated by respondent nos.4 and 5 after a period of 26 years. He submits that the respondent no.2-Collector could not have even initiated suo motu proceedings after such a long delay. The said proceedings were barred by limitation. He submits that by the impugned order, the learned Secretary (Appeals), Revenue Department has remanded the matter for fresh consideration on merits, which is not permissible in law.

3. Issue **Notice**, returnable on 22.09.2026. Learned AGP waives service of notice on behalf of the respondent nos.1 to 3.

4. In the meantime, there shall be ad-interim relief in terms of prayer clause 8(C) is granted till the next date of hearing.

Sd/-
(ANIRUDDHA P. MAYEE, J.)

ABHISHEK/12