

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7725 of 2026**=====
RAMESHBHAI GHANSHYAMBHAI DALVADI & ORS.

Versus

HAMIRBHAI RAMSANGBHAI RAJPUT & ORS.
=====

Appearance:

MALAY S PATEL(8901) for the Petitioner(s) No. 1,2,3

MS HIMANI SHAH AGP for the Respondent(s) No. 4,5
=====

CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 08/06/2026

ORAL ORDER

Learned advocate, Mr. Malay Patel referred to the documents produced on record and submitted that if the Hon'ble Court would make cursory glance upon the pleadings, in that event, it is evident that while conducting suit by the learned Mamlatdar, the mandatory procedure as required under the provision of the Mamlatdar Courts' Act is not followed and without following in stricto sensu manner, the impugned order came to be passed by the learned Mamlatdar, which has been confirmed by the learned Deputy Collector in the Revision Application preferred by the petitioners. He submitted that in the present case, opportunity to cross-examine the witnesses examined on behalf of the original plaintiff has not been provided and even the panchnama of the disputed place has been drawn by the revenue officer in absence of the petitioners, that too, without informing the petitioners and thus, there is clear violation of the provision of law.

In view of above submissions canvassed by learned advocate for the petitioners and having considered the documents coupled with the findings given by the revenue authorities, the matter requires consideration.

Notice returnable on **4th August, 2026**.

Learned AGP Ms. Himani Shah waives service of notice for respondent nos.4 and 5.

In the meantime, ad-interim relief in terms of Para No.9C.

DS for rest is permitted.

(DIVYESH A. JOSHI, J.)

Gautam