

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 281 of 2024**

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RAMESHBHAI BALDEVBHAI PRAJAPATI

Versus

ILESHBHAI NANDUBHAI PATEL & ORS.

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Appearance:

MR DIVYESH SEJPAL(1322) for the Applicant(s) No. 1

for the Opponent(s) No. 1,2,3,4,5,6,7

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 03/07/2024****ORAL ORDER**

Mr.Divyesh Sejpal, learned Advocate appearing for the petitioner submitted that the subject property i.e. the land bearing survey no. 121/1 is an agricultural land and of new tenure. The agreement to sell, though not in so many words, says about the new tenure but, the aspect of payment of premium, is very much agreed between the parties. The agreement to sell has been executed by the Power of Attorney holder and the copy of the Power of Attorney is placed on record together with the suit which makes a reference of the tenure of the land to be 'Pratibandhit Satta Prakaar' i.e. restricted tenure. It is submitted that therefore, the said agreement to sell is prohibited in view of the provisions of section 43 of the the Gujarat Tenancy and Agricultural Land Act, 1948. The said issue is no longer *res integra*, in view of the judgment of the full bench in the case of *Decd. Shaikh Ismailbhai Hushainbhai Through Lh. vs. Vankar Ambalal Dhanabhai* reported in (2024) 1 GLH 222.

2. It is submitted that in another proceedings rising out of the

very same land, this Court has been kind enough to pass an order.

3. Considered the submissions. Issue notice to the respondents returnable on 13.08.2024.

4. Ad-interim relief is granted in terms of paragraph 22(B), till the next date of hearing. Direct service is permitted.

SINDHU NAIR

(SANGEETA K. VISHEN,J)