

Reserved On : 09/06/2026
Pronounced On : 24/06/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 12837 of 2012

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

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Approved for Reporting	Yes	No
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PATEL SHANTILAL MOHANLAL & ANR.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR VIMAL A PUROHIT(5049) for the Petitioner(s) No. 1,2
MR SIDDARTH RAMI, AGP for the Respondent(s) No. 1,2,3,4
MR. RAJ A TRIVEDI(7024) for the Respondent(s) No. 5,6,7
VIRAL K SHAH(5210) for the Respondent(s) No. 5,6,7

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CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

CAV JUDGMENT

1. By way of preferring present petition under Articles 226 and 227 of the Constitution of India, the petitioners have prayed for the following main relief:

“(A) to issue an appropriate writ, order or direction in the nature of mandamus and while issuing such a direction, be pleased to quash and set aside the impugned orders (1) dated

16-2-2012 passed by the SSRD, Ahmedabad in Revision Application No.HKP/GADHAN/12/2009 (2) dated 17-3-2009 passed by the Collector, Gandhinagar in RTS Revision/SR/09; (3) dated 24-8-2005 passed by the Prant Officer, Gandhinagar dated 24-8-2005 in RTS Appeal SR/115 of 2004 and (d) dated 22-7-2004 passed by the Mamlatdar, Gandhinagar in Disputed Case No.38 of 2003 and consequently restore the entry no.6115 and 6116 regarding registered sale deeds dated 2-7-2003 executed in favour of petitioners subject to final outcome of civil suit no.177 of 2008."

2. The facts of the case of the petitioners, as mentioned in the petition, can be summarized in a nutshell as under:

2.1. As per the case of the petitioners the issue pertains to land bearing Block No.402, admeasuring 9105 Sq. Mtrs. as well as land bearing Block No.417, admeasuring 9207 Sq. Mtrs. of Mouje Por, Taluka & District Gandhinagar (it shall hereinafter be referred to as the 'subject land'). That 5 persons viz. (1) Hiraben Ghamirji, (2) Kodariben Ghamirji, (3) Chandaben Ranaji, (4) Shivaji Ranaji and (5) Ambaji Ranaji, who owned the subject land executed general Power of Attorney in favour of one Kanubhai Vitthalbhai Patel on 01.06.1995 for the subject land.

2.2 As per the case of the petitioners, the aforesaid 5 persons had also executed an agreement to sale on 05.06.1995 and also executed a supplementary

agreement for possession on 19.02.1996. The aforesaid two documents were executed in respect of land bearing Block No 402. Moreover, declaration was also issued on 19.02.1996 admitting the rights of the petitioners qua the subject land. For land bearing Block No 417, similarly an agreement to sale was executed on 01.06.1995. Supplementary agreement for possession was executed on 19-2-1996 and declaration was also issued on 19.02.1996 admitting the rights of the present petitioners.

2.3. Thereafter, an application was made for conversion of land from New Tenure to Old Tenure in the name of Shivaji Ranaji, which came to be granted vide order dated 16.05.2003 on payment of premium and entry No.6095 was entered into the revenue record on 19.05.2003, which was certified on 10.07.2003.

2.4. It is the case of the petitioners that prior to the mutation of aforesaid entry No.6095, one Chandaben, daughter of Ranaji expired on 01.04.2002, pursuant to which, entry no.6049 came to be entered into the revenue record on 05.08.2002 by which the names of Laxmanji Bhikhaji i.e. her husband, Rameshji Laxmanji and Bhikhiben Laxmanji were entered as successor pursuant to an application made by the Laxmanji Bhikhaji. The aforesaid entry was certified on 23.01.2002 in respect of both the parcels of land bearing Block Nos.402 and 417.

2.5. It is the case of the petitioners that vide Entry No.6097 dated 20.05.2003, Shivaji Ranaji, Kodariben Ghamirji, Hansaben Kalaji, Kailashben Kalaji, Maniben Ambalal Thakore, Arvindbhai Ambalal Thakore and Suryaben Ambalal Thakore, whose names alleged to have been running in the revenue record, had relinquished their rights in respect of both the parcels of land bearing Blocks Nos.402 and 417 in favour of (1) Rameshji Laxmanji (2) Bhikhiben Laxmanji Thakore and (3) Laxmanji Bhikhaji Thakore.

2.6. That after the conversion of lands from New Tenure to Old Tenure, (1) Kodariben Ghamirji, (2) Shivaji Ranaji in the capacity of an Administrator and Manager of HUF and (3) Kailashben Kalaji etc., through their Power of Attorney Holder Mr.Kanubhai Vitthalbhai Patel, had executed two registered sale deeds on 02.07.2003 in respect of both the parcels of land bearing Block Nos.402 and 417 in favour of the present petitioners. Pursuant to the execution of registered sale deeds, entry no.6115 for Block No. 402 and entry no 6116 qua Block No.417 came to be mutated in favour of present petitioners.

2.7. On the very day of execution of the registered sale deeds, Kodariben Ghamirji, Shivaji Ranaji and Kailashben Kalaji, through their Power of Attorney Holder Mr. Kanubhai Vitthalbhai Patel, executed registered indemnity bond in favour of the

petitioners on 02.07.2003 qua land bearing Block No.402. The similar indemnity bond was also executed in respect of land bearing Block No.417 on the very day.

2.8. It is the case of the petitioners that in response to entry nos. 6115 and 6116, which were mutated pursuant to execution of the registered sale deeds in favour of the petitioners, 135-D notices were issued to the concerned parties. However, the private respondents herein have raised objections and therefore the entry No. 6115 and 6116 came to be cancelled by the Mamlatdar, Gandhinagar vide order dated 22.07.2004.

2.9. Being aggrieved by and dissatisfied with the aforesaid order dated 22.07.2004 passed by the Mamlatdar, Gandhinagar, the petitioners have filed RTS Appeal No.115 of 2004 before the Prant Officer, Gandhinagar. However, the said appeal also came to be dismissed by the Prant Officer, Gandhinagar vide order dated 24.08.2005.

2.10. The petitioners assailed the aforesaid order dated 24.08.2005 passed by the Prant Officer, Gandhinagar by preferring Revision Application No.99/2005 before the Collector, Gandhinagar.

2.11. It is the case of the petitioners that pending

the Revision Application before the Collector, a declaration-cum-affidavit dated 20.06.2006 has been executed by (1) Shivaji Ranaji Thakore (2) Hansaben Kalaji Thakore (3) Kanuji Shivaji Thakore (4) Dineshji Shivaji and (5) Liliben Shivaji and thereby admitted two vital aspects (1) that power of attorney given to one Kanubhai Vittalbhaji Patel is legal and valid and sale deed executed by said Kanubhai Vittalbhaji as a power of attorney holder on their behalf in favour of the petitioners is also legal and valid and thereby all the agreements, powers and rights of the petitioners qua the subject land are admitted by Shivaji Ranaji and others.

2.12. It is also the case of the petitioners that on 20.06.2006 a registered deed of acceptance of the sale deeds also came to be executed by Shivaji Ranaji. Hansaben Kalaji, Kanubhai Shivaji and Dineshji Shivaji, whereby they admitted and accepted the registered sale deeds which were executed on 02.07.2003 in favour of petitioners.

2.13. It is the case of the petitioners that instead of appreciating the aforesaid documents, the Collector dismissed the revision application vide order dated 17-3-2009.

2.14. The petitioners, therefore, assailed the aforesaid order passed by the Collector by way of

filing a revision application being Revision Application No. MVV/HKP/GADHAN/12 of 2009 before the Secretary (Appeals), Revenue Department, State of Gujarat, Ahmedabad. However, the said revision application also came to be dismissed by the Secretary, Revenue Department (Appeals) vide order dated 16/18.02.2012.

3. Heard learned advocate Mr. Vimal Purohit for the petitioners, learned AGP Mr. Siddarth Rami for respondent Nos. 1 to 4 and learned advocate Mr. Viral Shah for respondent Nos. 5 to 7.

4. Learned advocate Mr. Purohit for the petitioners submitted that the petitioners are *bona fide* purchasers of the subject land, having acquired it through registered sale deeds after paying the full consideration, and that consequent mutation entries were duly made in the revenue records. He contended that although these entries were subsequently challenged by the private respondents and cancelled by the Mamlatdar, whose decision was affirmed by the higher revenue authorities, such action was beyond the jurisdiction of the revenue authorities. He submits that the revenue authorities are obligated to mutate entries based on registered documents and are not empowered to examine the legality and validity of a registered sale deed, as revenue entries are maintained only for fiscal purposes and do not

determine title. He argued that unless a competent civil court declares the sale deeds invalid, fraudulent, or void, the revenue authorities cannot cancel the mutation entries on the ground that the transactions appear illegal or invalid. Therefore, the impugned orders, having been passed by considering issues outside the scope of the revenue authorities, are perverse and therefore they are required to be quashed and set aside.

5. Learned advocate Mr. Purohit further submits that it is the matter of fact that the deed of power of attorney has been executed by the property owners in favour of one Shri Kanubhai Vittalbhair Patel on 01.06.1995, whereas, the petitioners have purchased the subject land by way of executing registered sale deeds by paying the amount of sale consideration on 02.07.2003 and before entering into the said transaction the said land was already converted from new tenure to old tenure and entry to that effect has already been mutated on 19.05.2003, which was subsequently certified on 10.07.2003.

6. Learned advocate Mr. Purohit further submits that in fact during the pendency of the proceedings before the concerned revenue authority, the original property owners, through their Power of Attorney Holder Mr. Kanubhai Vitthalbhair Patel, executed registered indemnity bond in favour of the

petitioners. He submits that the respondent Nos. 5 to 7, being aggrieved by the act of the original property owners of execution of registered sale deeds in favour of the petitioners, challenged the said sale deeds by way of preferring civil suit before the competent Civil Court and the said suit has been withdrawn by the respondent nos. 5 to 7. He contends that the revenue authorities wrongly examined the legality and validity of the sale deeds executed in favour of the petitioners. The authorities held that the power of attorney, based on which the sale deeds were executed, was invalid because three of its executants had died before the execution of the registered sale deeds. He submits that such question regarding the validity of documents should be decided by a competent Civil Court and not by revenue authorities. Thus, the revenue authorities have exceeded their jurisdiction.

7. Learned advocate Mr. Purohit further submits that while dismissing the revision application of the petitioners, the Collector observed that a notice regarding cancellation of power of attorney has been issued in the newspaper on 16.10.2000. He has drawn the attention of this Court to Annexure-M, which is the notice dated nil/10/2000 issued to the petitioners by one Thakor Shivaji Ranaji through his advocate, whereby, it is informed to the petitioners that the land is of new tenure and there are many

occupants of the subject land and he does not want to convert it from new tenure to old tenure and sell it to anyone because his entire family is depending upon the said land and it is the only source of their livelihood and they had not given power to anyone to act on their behalf for conversion of land and if the petitioners are having any old power of attorney, the same is treated to be cancelled through the said notice. Learned advocate Mr. Purohit submits that instead of issuing notice to the power of attorney holder Mr. Kanubhai V. Patel, the same is issued to the petitioners and Mr. Kanubhai V. Patel has never been informed about cancellation of the power of attorney. He further submits that the said notice is given by only one Shivaji Thakor and not by other executants of the deed of power of attorney. Thus, the said notice is not valid in the eye of law and the concerned revenue authority cannot put reliance upon the said notice to dismiss the revision application of the petitioners. He further submits that pending the dispute before the Collector, on 20.06.2006, Shivaji Ranaji Thakore and his family members have executed declaration-cum-affidavit, wherein, they have admitted the power of attorney of Kanubhai Vitttalbhai Patel as a valid power of attorney and also admitted the sale deeds dated 02.07.2003 executed on the strength of the said power of attorney. He further submits that said Shivaji Ranaji and his family members have also admitted the

fact that the names of the private respondents have been wrongly entered in the record and as such they have no right, title or interest in the lands in question. In the said declaration Shivaji Ranaji and his family members have also admitted the execution of a registered deed of acceptance of sale deeds executed in favour of the petitioners.

8. Learned advocate Mr. Purohit further submits that the Hon'ble Apex Court as well as this Court have, time and again, held that the revenue authorities have not got any right to decide the civil rights of the parties, more particularly, about the title of the property in RTS proceedings. He submits that in an identical case, the Coordinate Bench of this Court has, in the case of ***Raichand Kanjibhai Shah v. State of Gujarat & Ors.***, reported in **2018(4) GLR 3469**, held that the revenue authorities have no jurisdiction to decide the validity of sale deed. In the said decision, the mutation entry based on a registered sale deed executed by the Administrator-cum-Power of Attorney holder came to be cancelled pursuant to the objection raised by the owner that executant had no power to execute sale deed. The Collector concerned cancelled the mutation entry on the ground that the sale deed was a nullity. Thus, in the aforesaid facts, the Coordinate Bench has specifically held that the revenue authorities have no jurisdiction to decide

the validity of a sale deed. The ratio laid down in the aforesaid decision is squarely applicable to the facts of the present case. He, therefore, submits that the orders impugned passed by the revenue authorities are required to be quashed and set aside.

9. Learned advocate Mr. Purohit further submits that the rights of the parties can be adjudicated by the competent Civil Court and the sale deed executed by the original property owners through their Power of Attorney holder has also been challenged by the private respondents by way of filing a civil suit before the competent Civil Court. However, the said suit has been withdrawn by the respondents. Therefore, as per the provisions of Section 135C of the Bombay Land Revenue Code, as soon as the registered document is placed before the competent revenue authority, they are duty bound to mutate the entry of change of title in the revenue record for the fiscal purpose of recovery of the land revenue from the prospective purchasers. He submits that the sale deeds executed in favour of the petitioners are not held to be bogus by any competent Civil Court and therefore the revenue authorities are not empowered to cancel the entries. He, therefore, submits that the impugned orders passed by the revenue authorities are required to be quashed and set aside.

10. Learned advocate Mr. Purohit further submits

that during the pendency of the proceedings before the revenue authorities, the private respondents herein had entered into transaction by way of selling the subject land in favour of a third party. The petitioners, therefore, filed a suit before the competent Civil Court to cancel the said registered sale deed. The said suit has been dismissed by the Court. Being aggrieved by the said order, the petitioners herein have preferred a writ petition before this Court, wherein, stay has been granted by the Coordinate Bench of this Court. He submits that the private respondents herein have filed SLP before the Hon'ble Apex Court, which is still pending. He submits that in fact at the time of entertaining the SLP, the Hon'ble Apex Court has stayed further proceedings of the suit. He, therefore, submits that in view of the aforesaid overall facts of the present case, when the petitioners herein are the bona fide purchaser who had purchased the subject land by way of executing registered sale deeds and after paying full amount of consideration to the original land owners, the impugned orders passed by the revenue authorities cancelling the entries mainly on the ground that the sale deeds executed by the original land owners through their power of attorney holder seem to be not genuine, are required to be quashed and set aside.

11. In support of his aforesaid submissions, learned

counsel Mr. Purohit has relied upon the following decisions:

1. In the case of Vadiyala Prabhakar Rao & Ors. v. The Government of Andhra Pradesh & Ors., reported in 2026 LiveLaw (SC) 469;
2. In Gandabhai Dalpatbhai Patel v. State of Gujarat, reported in 2005 (2) GLR 1370;
3. In Raichand Kanjibhai Shah v. State of Gujarat & Ors., reported in 2018 (4) GLR 3469;
4. In Jhaverbhai Savjibhai Patel through POA Holder Ashok J. Patel v. Kanchaben Nathubhai Patel, reported in 2005 (3) GLR 2233;
5. In Ratilal Chunilal Solanki v. Shantilal Chunilal Solanki, reported in 1996 (2) GLR 525.

12. On the other hand, learned advocate Mr. Viral Shah, appearing for the private respondents, has vehemently objected the petition and submitted that all the revenue authorities have considered the arguments of the respondents and cancelled the entries mutated in the name of the petitioners by way of execution of the registered sale deeds. He submits that all the revenue authorities have consistently held that the sale deeds have been executed based upon the Power of Attorney, which apparently on the face of the record, itself is found to be forged and fabricated one. He submits that in fact the deed of

Power of Attorney itself is forged and fabricated one and the said fact can be found out from the deed of POA only. He submits that if the Hon'ble Court would make cursory glance upon the contents of the said document, in that event, it would have been found out that the said deed of POA has been executed by five persons in favour of one Kanubhai Vitthalbhai Patel on 01.06.1995, wherein name of Hiraben Ghamirji was there and besides her name, her thumb impression is affixed. However, it is an admitted position of fact that 20 years before the execution of the said POA, she passed away. Therefore, bogus thumb impression of said Hiraben Ghamirji has been affixed on said POA by someone and thereby forged document has been created. He submits that based on the said forged document, sale deeds have been executed in favour of present petitioners and therefore the said sale deeds are void abinitio and don't have any evidentiary value in the eye of law. He further submits that the sale deeds have been executed by three persons viz. Kodriben Ghamirji, Shivaji Ranaji and Kailashben Kalaji through their so-called Power of Attorney Mr. Kanubhai Vitthalbhai Patel. However, if the deed of POA is to be seen, in that event, it would have been found out that said Kailashben Kalaji has never given power in favour of Mr. Kanubhai Vitthalbhai Patel. He therefore submits that the Power of Attorney (POA) is forged and fabricated one and therefore the sale deeds executed by the holder of the said forged POA

are void abinitio and said void abinitio sale deeds are not required to be cancelled by the private respondents herein. However, only for the purpose of avoiding multiplicity of proceedings, it is advisable to get a decree from the competent Civil Court. However, it is not mandatory for the parties to get the void abinitio sale deeds cancelled. He further submits that it is an admitted position of fact that except Kodriben and Shivaji Ranaji, the other so-called executants of the POA passed away before the execution of the sale deeds. Thus, considering the aforesaid overall factual aspects, the revenue authorities have rightly cancelled the revenue entries.

13. In reply to the contention of learned advocate Mr. Purohit for the petitioners that the revenue authorities are duty bound to mutate the entries based on a registered document and in the RTS proceedings, they need not have to go into the aspect of legality and validity of a registered document, learned advocate Mr. Shah has submitted that generally the revenue authorities need not have to go into the aspect of validity of a registered sale deed and they are duty bound to mutate the entry, but at the same time, when the objections are raised by the private respondents herein and supplied the documents to the concerned revenue authorities and upon verification of those documents, when the authorities

concerned jumped to the conclusion that the sale deed itself is found to be void abinitio, the revenue authorities can cancel the entries. He submits that it is only when the private respondents raised objections and drew the attention of the concerned revenue authorities about nullity of the document, the respondent revenue authorities have cancelled the entries so as to avoid multiplicity of proceedings.

14. Learned advocate Mr. Shah has further submitted that it is contended by learned advocate for the petitioners that the said POA has been executed on 01.06.1995, whereas, the registered sale deeds have been executed on 02.07.2003 and therefore it can safely be said that the act, action, conduct and behaviour of the petitioners is bona fide one. He submits that if the Hon'ble Court would make cursory glance upon the factual aspects narrated by the petitioners before this Court, in that event, it would have been found out that immediately within no time, present petitioners had executed one agreement to sale with the holder of POA. Therefore, since beginning i.e. from the date of execution of the forged deed of POA, present petitioners are aware about the generation of the said forged document.

15. Learned advocate Mr. Shah further submits that in fact the names mentioned in the revenue record are not tallied with the names mentioned in the

registered sale deeds. He submits that in fact the other coparcener and family members have relinquished their rights qua the subject land in favour of the respondent Nos. 5 to 7 and entry No. 6097 to that effect is also mutated in the revenue record on 20.05.2003, which is certified on 10.07.2003. He submits that after the mutation of the aforesaid entry No.6097 and during the course of certification of the said entry, on 02.07.2003, the subject land has been sold out to the petitioners by way of preparing a forged POA. It also emerges from the record that at the relevant point of time when the sale deeds had been executed in favour of the petitioners, the sellers viz. Kodriben, Shivaji Ranaji and Kailashben Kalaji were in fact not the owners of the subject land and their names were deleted from the revenue record and therefore legally they were not entitled to execute the registered sale deeds in favour of the petitioners as the owners of the subject land. He submits that the revenue authorities concerned had initially mutated the entries in the revenue authority giving effect of the registered sale deeds executed in favour of the petitioners but upon scrutiny of the record, when it has come to the notice of the concerned revenue authority that the names mentioned in the sale deeds are not tallied/matched with the names mentioned in the revenue record, notice under Section 135D of the Gujarat Land Revenue Code has been issued to the

private respondents herein and as soon as the said notice has been served to the private respondents herein, immediately they challenged the said entries by supplying ample evidences/materials and after verifying those materials, the concerned revenue authority jumped to the conclusion that apparently on the face of the record, the document (PoA) used for the purpose of execution of the registered sale deeds, seems to be forged and fabricated one and therefore the said entries had been cancelled. Thus, when the sale deeds had been executed, the sellers were not the owners and they relinquished their rights and therefore their names have been deleted from the revenue record and the subject land was lying in the name of the respondent Nos. 5 to 7 only. He submits that aforesaid entry No.6097 is undisputed and it has not been challenged by anyone before the higher forum and as per the said entry, the private respondents herein were and are the owners of the subject land.

16. Learned advocate Mr. Shah has further submitted that in fact the subject land is ancestral property of respondent nos. 5 to 7 and since last many decades they have been possessing and occupying the subject land and said fact is also proved from the contents of the Panchnama drawn by the revenue authority concerned at the instance of the Collector during the pendency of the proceedings before the concerned

revenue authority. A copy of the said Panch Rojkam is also placed on record and a perusal of it would clearly go on to show that qua the subject land, names of respondent Nos. 5 to 7 are there in the revenue record and they are the owners, occupiers and in possession of the subject land.

17. Learned advocate Mr. Shah would submit that during the pendency of the revenue proceedings before the competent revenue authority, a suit has been filed by the respondent Nos. 5 to 7 to cancel the registered sale deeds executed in favour of the petitioners through a forged POA. The said suit has been withdrawn with a liberty to file a fresh suit at an appropriate time. Learned advocate Mr. Shah further submits that in fact during the pendency of the said civil litigation, respondent Nos. 5 to 7 had entered into sale transaction with third party and they had sold the subject land by way of executing a registered sale deed in favour of the said third party. However, the petitioners herein have challenged the said sale deed before the competent Civil Court by way of preferring a suit. The said suit has been dismissed on merit. A copy of the said order is already placed on record along with the affidavit-in-reply filed by the private respondents herein. He submits that at the time of deciding the said suit, the competent Court has raised one of the issue that, 'whether the plaintiffs (petitioners

herein) prove that, on the basis of the sale deed dated 02.07.2003 executed by the Power of Attorney holder of Defendant Nos. 5 to 7 (Kodriben, Shivaji Ranaji & Kaileshben Kalaji), the plaintiffs became the lawful owners and persons in possession of the suit land?'. The Court has given negative reply to the aforesaid issue and a detailed discussion has been made in the said order by the competent civil court. He has put reliance upon the observations made by the concerned Court in the said judgment and order and submitted that the claim of the petitioners has also been dismissed by the competent Civil Court. However, he has fairly submitted that the said order has been stayed by the Coordinate Bench of this Court and proceedings of the suit has been stayed by the Hon'ble Apex Court. He submits that though the order passed by the concerned Civil Court is stayed by the Coordinate Bench of this Court and the said petition is still pending, it cannot be said that the petitioners have got any valid right over the suit land based on the sale deeds, which are void abinitio (nullity) in the eye of law.

18. Learned advocate Mr. Shah has further submitted that in fact the Power of Attorney was cancelled by a public notice dated 16.10.2000 i.e. before the execution of the registered sale deeds in favour of the present petitioners. He, therefore, submits that in view of the aforesaid factual aspects, the revenue

authorities could not be said to have committed any error of law and/or facts which is apparent on the face of the record. Thus, the petition filed by the petitioners is required to be dismissed.

19. The learned AGP appearing for the respondent revenue authorities has adopted the arguments canvassed by learned advocate Mr. Shah for the private respondents and submitted that the orders impugned passed by the revenue authorities are just, fair and reasonable and therefore no interference of this Hon'ble Court is warranted. He, therefore, submits that the petition is required to be dismissed.

20. Having heard the learned advocates appearing for the respective parties and having gone through the materials available on record, it transpires that total five persons viz. Hiraben, Kodriben, Chandaben, Shivaji Ranaji and Ambalal Ranaji had executed a deed of general Power of Attorney in favour of one Kanubhai Vitthalbhai Patel in respect of land bearing Block No.417. It is pertinent to note that two parcels of land bearing Block No.402 and 417 are the subject matter of this petition and qua other Block No.402, any deed assigning power to said Kanubhai has not been produced on record. It is also pertinent to note that Hiraben, one of the executants of the P0A already died before 20 years from the date of

execution of the said Power of Attorney, despite that, her thumb impression is affixed in the POA. Thus, the POA itself is found to be a forged document. It is the case of the petitioners that three persons viz. Kodriben, Shivaji Ranaji and Kailashben Kalaji had executed registered sale deeds through their POA Kanubhai V. Patel in favour of present petitioners and based upon the said registered sale deeds, the concerned revenue authorities have mutated entries in the revenue record. However, on account of objections raised by the private respondents herein, the concerned revenue authorities had cancelled the said entries. It is the case of the petitioners that at the time of cancelling the entries, the concerned revenue authorities had gone into the aspect of legality and validity of the registered sale deeds, which is not in the domain of the concerned revenue authorities in the RTS proceedings. Thus, the revenue authorities had exceeded their jurisdiction. It is the case of the petitioners that till the sale deeds executed in favour of the petitioners are held to be bogus and invalid, the concerned revenue authorities cannot cancel the entries on their own. The sale deeds executed in favour of the petitioners are not held to be invalid and bogus by any competent Civil Court. However, it is pertinent to note that, prima facie, the sale deeds in favour of the petitioners came to be executed by way of a forged POA because the thumb

impression of Hiraben is affixed in the said POA and said Hiraben already expired much before the date of execution of the POA. Attention of this Court is also drawn to entry No.5439 which is mutated on 15.12.1994 and certified on 29.04.1995, whereby, it appears that subject land was running in the name of Hiraben, Wd/o. Gamirji Viraji and said Hiraben died before about 20 years leaving behind her only one heir i.e. her daughter. Thus, name of Hiraben has been deleted from the revenue record. The said entry has never been challenged. Thus, in the opinion of this Court, the POA itself is a nullity and execution of any document based upon a void POA has no evidentiary value in the eye of law and the same is not legally enforceable. It is also pertinent to note that sale deeds have been executed by Kodriben, Shivaji Ranaji and Kailashben Kalaji. Thus, except Kodriben and Shivaji Ranaji, the other executants of so-called POA have not executed the sale deeds. It is the case of the respondents that other executants of so-called POA already expired before the execution of the sale deeds. It is also pertinent to note that Kailashben Kalaji had also not executed any deed of POA assigning powers to said Kanubhai V. Patel, despite that, her name is there in the sale deeds. Thus, in the opinion of this Court, *prima facie*, the sale deeds seem to be legally not enforceable and tenable.

21. It is the case of the petitioners that, since

the original landowners had executed registered sale deeds through their Power of Attorney (POA) in favour of the petitioners, the petitioners became the owners of the subject land. Consequently, they instituted a civil suit before the competent Civil Court seeking cancellation of the registered sale deed executed by the private respondents herein in favour of a third party. It emerges from the record that the said suit was dismissed by the concerned Court. While dismissing the suit, the Court appreciated and considered all the documents and materials available on record in their true spirit and proper perspective. The Court ultimately concluded that the sale deeds, upon which reliance is placed by the petitioners herein (the plaintiffs in the suit) to establish their ownership of the subject land, were based on a forged and fabricated POA. This conclusion was reached in view of the fact that one of the executants of the said POA had already passed away long before the execution of the POA; nevertheless, her thumb impression appeared on the document. The Court further recorded a significant finding that the said POA had, in fact, been executed by five persons in the year 1995 and that, on the basis of the said POA, two sale deeds had been executed on 02.07.2003. It is an admitted fact on record that, out of those five persons, three had already passed away before the execution of the registered sale deeds. Therefore, the authority conferred under the POA by

those executants was no longer in existence on the date of execution of the sale deeds. The aforesaid documents and materials available on record irresistibly demonstrate that the original owners of the subject land had never entered into any transaction for the sale of the subject land to the petitioners. Consequently, the said documents are, per se, illegal and cannot be relied upon as evidence. It was ultimately held by the competent Civil Court that the plaintiffs had failed to prove that they were the owners of the subject land and ultimately suit has been dismissed. The aforesaid findings recorded by the competent Civil Court crystallize the position of fact that after considering and appreciating all those documents and materials available on record, the competent Civil Court jumped to the conclusion that the petitioners have failed to prove that they are the owners of the subject land and therefore at this juncture, I am of the opinion that the orders passed by the revenue authorities are not required to be interfered with by this Court.

22. It is settled proposition of law and requirement of the statute that if any registered document is placed before the revenue authority, in that event, as per the provisions of Section 135C of the Gujarat Land Revenue Code, the revenue authorities are duty bound to mutate the entry in the revenue record and

it is not under their domain to test the legality and validity of the registered document. However, it emerges from the record that, upon the submission of the registered sale deeds, the concerned revenue authority had already effected mutation entries in the revenue records. Thereafter, upon noticing a discrepancy between the names of the owners reflected in the sale deeds and those recorded in the revenue records, the authority issued notices to the other stakeholders (the private respondents herein). Pursuant thereto, they appeared and raised objections to the mutation entries, resulting in the dispute being brought before the concerned revenue authority. I have gone through the decisions upon which reliance is being placed by learned advocate Mr. Purohit for the petitioners and there is no dispute with regard to the ratio laid down in the said decisions but those decisions would not be applicable to the facts of the present case because the facts involved in the present matter are quite different and distinct than those matters. Moreover, during the pendency of the present petition, the competent Civil Court has already held that the petitioners have miserably failed to prove that they are the owners of the subject land based on the registered sale deeds executed by Kodriben, Shivaji Ranaji and Kailashben Kalaji through their POA Mr. Kanubhai V. Patel. I am also conscious of the fact that the order passed by the competent Civil Court is already stayed by the

Coordinate Bench of this Court and being aggrieved by the said decision, private respondents herein have preferred SLP, wherein, further proceedings of the suit has been stayed. However, the aforesaid sequence of events of incident clearly goes on to show that though the order passed by the Civil Court has been stayed but the findings recorded by the competent Civil Court have not been overturned upto now and those findings are still in existence. Therefore, at this juncture, for the purpose of deciding the instant petition, the observations made and findings recorded by the competent Civil Court in the suit proceedings after appreciating and considering the documents and materials and depositions of the witnesses can be relied upon by this Court.

23. It is the case of the petitioners that unless and until the sale deeds are held to be void and/or cancelled by the competent Court, the respondents cannot be held to be the owners of the subject land and they have to obtain a decree of cancellation of sale deeds from the Court. However, private respondents have withdrawn the suit filed by them for cancellation of the sale deeds and therefore the revenue authorities ought not to have cancelled the entries. It is pertinent to note that as per Section 31 of the Specific Relief Act, 1963, 'any person against whom a written instrument is void or voidable, and who has reasonable apprehension that

such instrument, if left outstanding may cause him serious injury, **may** sue to have it adjudged void or voidable; and the court may, in its discretion, so adjudge it and order it to be delivered up and cancelled. Thus, it is a discretionary remedy, not a mandatory one. Despite that, the respondents have filed a suit for cancellation of sale deeds to avoid multiplicity of proceedings, however, said suit has been withdrawn by them. It is also pertinent to note that it is the case of the respondents that based on the order passed by the competent Civil Court in the suit filed by the petitioners herein, the concerned Court has already held that the petitioners are not the owners of the subject land and therefore they withdrew the suit filed by them for cancellation of the sale deeds executed in favour of the petitioners. Be that as it may, the fact remains that as on date the findings recorded by the learned Trial Court in the suit filed by the petitioners for cancellation of the registered sale deed executed by the private respondents herein in favour of a third party have not been overturned.

24. The only question which falls for consideration before this Court is whether the revenue authorities have committed any error while cancelling the entries? It is true that the revenue authorities are duty bound to mutate the entries in the revenue record as and when a registered document is placed

before them and it is also well settled that the revenue entries are only for fiscal purpose i.e. payment of land revenue and no ownership is conferred on the basis of such entries. It is also true that the revenue authorities should not go into the aspect of validity of the registered document. However, as observed hereinabove, upon the submission of the registered sale deeds, the concerned revenue authority had already effected mutation entries in the revenue records. Thereafter, upon noticing a discrepancy between the names of the owners reflected in the sale deeds and those recorded in the revenue records, the authority issued notices to the other stakeholders (the private respondents herein). Pursuant thereto, they appeared and raised objections to the mutation entries, resulting in the dispute being brought before the concerned revenue authority and upon scrutiny of the materials available on record, the concerned revenue authority cancelled the entries. It is pertinent to note that during the pendency of the present petition, much water has been flown under the bridge and the competent Civil Court had already held that the petitioners have miserably failed to prove that they are the owners of the subject land based upon the execution of registered sale deeds by Kodriben, Shivaji Ranaji and Kailashben Kalaji through their POA and upto now the said findings of the learned Trial Court have not been overturned. As observed hereinabove, the aforesaid

order passed by the learned Trial Court has been stayed by the Coordinate Bench of this Court against which respondents herein have preferred SLP before the Hon'ble Apex Court and the Hon'ble Apex Court has stayed further proceedings of the suit. Both the petition and SLP are still pending for adjudication. Thus, the order passed by the learned Trial Court is already stayed and therefore with a view to strike the balance and keeping in mind the interest of both the parties and considering the peculiar facts of the instant case, I am not inclined to interfere with the concurrent findings recorded by the revenue authorities at this juncture.

25. It is also pertinent to note that other coparcener and family members have relinquished their rights qua the subject land in favour of the respondent Nos. 5 to 7 and entry No. 6097 to that effect is also mutated in the revenue record on 20.05.2003, which is certified on 10.07.2003. It transpires that after the mutation of the aforesaid entry No.6097 and before its' certification, on 02.07.2003, the subject land has been sold out to the petitioners by way of a forged POA. Thus, at the relevant point of time when the sale deeds have been executed by Kodriben, Shivaji Ranaji and Kailashben Kalaji through their so-called POA, their names have been deleted from the revenue record vide entry No.6097 and the said entry has not been challenged by

anyone and it attains finality.

26. At this juncture, I would like to refer to and rely upon the observations made by the High Court of Judicature for Rajasthan, Bench at Jaipur, in ***Smt. Kamla Khinchi W/o Shri Dilsukh Khinchi v. Smt. Kamla W/o Panchu, (Since Deceased) Through Legal Representatives*** rendered in ***S.B.Civil Writ Petition No.6212 of 2025*** on 29.08.2025, wherein, the Court observed and held as under:

“16. It is the settled proposition of law that after death of an individual, the execution of power attorney of such individual comes to an end automatically in terms of Section 201 of the Act of 1872, hence, under these circumstances, the revenue entries made in favour of the petitioner were not tenable and the same has been rightly quashed by the Tehsildar.”

27. In the instant case, as observed above, out of five executants of the PoA, two died before the execution of the registered sale deeds and one already died 20 years before the execution of the so-called PoA and one Kailashben has, though not assigned any power to said Kanubhai V. Patel, her name is mentioned in the sale deeds as if she had given power to said Kanubhai V. Patel. It is also pertinent to note that a copy of PoA is also placed on record which suggests that the so-called PoA is executed qua one parcel of land bearing Block No.417

and qua other parcel of land bearing Block No.402, the petitioners have not produced any PoA. Thus, the aforesaid facts prima facie go on to show that the so-called PoA itself is a nullity and therefore any document executed based upon that document is void abinitio.

28. I have also gone through the decisions relied upon by learned advocate for the petitioners and there is no dispute with regard to the ratio laid down in the said decisions, but, the same would not be applicable to the facts of the present case.

29. In view of the aforesaid overall facts and circumstances of the present case, I am of the opinion that the respondent revenue authorities have not committed any error while cancelling the entries and I do not see any reason to interfere with the said decision. The petition stands dismissed. Rule discharged.

(DIVYESH A. JOSHI,J)

LAVKUMAR J JANI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: LAVKUMAR JAYANTBHAI JANI(HC00210), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 24/06/2026 13:18:04