

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8197 of 2026**

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BHIL PRAKASHBHAI AAMBAJI & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1,2
GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 19/06/2026

ORAL ORDER

1. Learned advocate for the petitioners has submitted additional affidavit. The same is taken on record.

2. Heard learned advocate for the petitioners. It is submitted that the impugned notice issued under Section 84(C) of the Gujarat Tenancy and Agricultural Lands Act, 1948 ["Act" for short] by the Mamlatdar and ALT, Lakhni is at the behest of one person, who is a tenant of the petitioners. He submits that by the said notice, the Mamlatdar and ALT has alleged that the petitioner No.1 is not a legal heir of the petitioner No.2 and that he has been wrongly joined only with a view to attain the status of agriculturist. The learned counsel submits that no prima facie opinion has been formed by the Mamlatdar and ALT before issuing notice under Section 84(C) of the Act. He submits that breach of conditions under Section 63 of the Act does not cover mutations by way of heirship. He also submits that the impugned notice is only issued to the mother and son – petitioner No.1 herein, whereas the notice has not been issued to

all the legal heirs as per the mutation entry.

3. **Issue Notice returnable on 10.09.2026.**

4. In the meantime, there shall be ad-interim stay in terms of prayer clause 19-B.

KAUSHIK D. CHAUHAN

(ANIRUDDHA P. MAYEE, J.)