

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8170 of 2026**

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MAHENDRAKUMAR BHOLARAM AGRAWAL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MITESH AMIN SR. COUNSEL with MS POONAM M MAHETA(11265)

for the Petitioner(s) No. 1

MR MANTRA U BHATT(18611) for the Petitioner(s) No. 1

MR JAYNEEL PARIKH AGP for the Respondent(s) No. 1,2,3,4

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Date : 19/06/2026****ORAL ORDER**

1. Heard the learned senior counsel Mr. Mitesh Amin for the petitioner.

2. It is submitted that one Somabhai Rupabhai Dabhi executed a registered Will dated 22.10.1996 in favour of the petitioner and that upon the death of the said testator, the mutation entry No.1068 dated 05.11.1996 came to be entered in favour of the petitioner, which came to be certified on 05.02.1997. The learned senior counsel submits that after a period of almost 27 years, the respondent No.5 preferred RTS Appeal No.40 of 2023 before the Deputy Collector, Halol challenging the mutation entry No.1068 dated 05.11.1996 in favour of the petitioner along with the delay condonation application. The learned Deputy Collector, Halol has rejected the application for condonation of delay on the ground that

no sufficient explanation was given in the said application. The learned Collector has also upheld the order of the learned Deputy Collector. However, while dismissing the revision application, the Collector has exceeded its jurisdiction by issuing a direction to the Mamlatdar, Halol to initiate the proceedings under Section 84C of the Gujarat Tenancy and Agricultural Lands Act, 1948 and submit the compliance report. The learned senior counsel submits that the said direction is also in the teeth of law as suo motu proceedings can only be initiated within a reasonable period of time as held by this Court and the Hon'ble Apex Court.

3. Issue Notice, returnable on 08.09.2026. The learned AGP Mr. Jayneel Parikh waives service of notice on behalf of the respondent Nos.1 to 4.

4. In the meantime, the impugned direction to the Mamlatdar, Halol to initiate the proceedings under Section 84C of the Gujarat Tenancy and Agricultural Lands Act, 1948, shall remain stayed till the next date of hearing.

Direct service is permitted.

(ANIRUDDHA P. MAYEE, J.)

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