

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 34 of 2011**

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KABABHAI MALDHARI

Versus

STATE OF GUJARAT - THROUGH SECRETARY

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Appearance:

MR TATTVAM K PATEL(5455) for the Applicant(s) No. 1

MS MANISHA LAVKUMAR SHAH LD. ADDITIONAL ADVOCATE GENERAL with MR
JAY TRIVEDI ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No. 1

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL***

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 31/01/2025

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

The present Public Interest Litigation has been filed with a prayer to issue mandamus to the respondent authorities to implement mandate of Section 54 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands, Ordinance, 1949, by taking immediate steps to inform the Mamlatdar and the respondent authorities of Saurashtra Region to consider people belonging to 'Bharwad' and 'Rabari' castes as Maldharis, who in turn would be entitled to the benefit of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands, Ordinance, 1949.

2. It is brought on record by means of an additional affidavit

dated 23.08.2024 that vide Government Resolution dated 17.08.2024, a Committee has been constituted for deliberating the issue of agriculturist certificate to Maldharis. The constitution of the Committee disclosed therein would indicate that the Committee comprised of the Secretary (Land Reforms), Revenue Department as a Chairman and Managing Director of Gujarat Gopalak Development Corporation as one of the member apart from the Collectors of the Districts Rajkot, Junagadh, Porbandar and Surendranagar being the member.

3. In the written instructions supplied to the Court today by Ms. Manisha Lavkumar Shah, the learned Additional Advocate General, it is sought to be submitted that the Committee has met on various dates in the month of August, September and November, 2024 and in the last meeting held on 09.01.2025, it has decided to engage an expert who is a retired IAS officer to give his opinion on various issues arose before the Committee in the matter of recognition of the aforesaid two communities as Maldharis.

4. All these assertions are to be brought on record by means of an affidavit of the competent officer from the office of the Secretary (Land Reforms), Revenue Department, who is the Chairman of the Committee. The resolutions of the Committee shall also be brought

on record to apprise the Court as to how and in what manner the Committee has proceeded with the matter and what had transpired to engage one retired person as an expert.

As prayed, put up this matter on **21.03.2025** at **12:30 pm**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PHALGUNI VISHRAMBHAI PATEL(HC00175), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 03/02/2025 18:06:39