

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 633 of 2017**

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KUMBHAR PRAJAPATI TRUST, THROUGH PRESIDENT....Petitioner(s)
Versus
THE SECRETARY (APPEALS), REVENUE DEPARTMENT &
4....Respondent(s)

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Appearance:

MS KJ BRAHMBHATT, ADVOCATE for the Petitioner(s) No. 1
MS VARSHA BRAHMBHATT, ADVOCATE for the Petitioner(s) No. 1
POOJA H BHARDWAJ, ADVOCATE for the Petitioner(s) No. 1

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CORAM: HONOURABLE SMT. JUSTICE ABHILASHA KUMARI

Date : 19/01/2017

ORAL ORDER

Heard Ms. K. J. Brahmbhatt, learned advocate for the petitioner.

It is submitted that before passing the impugned order, the Collector has not issued any notice to the petitioner.

The land in question has been mutated in the revenue record for the purpose of "Kumbhar Lokoni Bhatthi" for the purpose of use by the potter community for making bricks and clay items. However, the land in question has been resumed by the Collector for the purpose of establishing a zonal office under the ATVT Scheme. Admittedly, the petitioners were not heard, therefore, the said order is violated on this count.

The SSRD has confirmed the order of the Collector and also rejected the Revision Application of the petitioner.

The petitioner has challenged the order of the Collector when they came to know of it was reflected in the revenue record. Thereafter they have challenged the same before the SSRD.

As no Notice was issued to the petitioner before the land was resumed, therefore, the rights of the petitioners have been gravely prejudiced and cannot be defeated, as is sought to be done by the impugned order.

Issue Notice, returnable on 16/03/2017.

Ad-interim relief in terms of para-8(D) is granted till then.

(SMT. ABHILASHA KUMARI, J.)

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