

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1165 of 2017**

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GANGABEN WD/O PRABHABHAI JIVABHAI SINCE DECEASED
PRABHABHAI JIVABHAI BHANGI & 4 other(s)
Versus
STATE OF GUJARAT & 2 other(s)

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Appearance:

MR ASHISH H SHAH(2142) for the Petitioner(s) No. 1,2,3,4,5
MR AMIT BAROT, AGP (1) for the Respondent(s) No. 1,2
NOTICE NOT RECD BACK(3) for the Respondent(s) No. 3.4,3.5
NOTICE SERVED(4) for the Respondent(s) No. 3.1,3.2,3.3

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CORAM: HONOURABLE MR.JUSTICE A.J.DESAI

Date : 27/02/2019

ORAL ORDER

1. Heard learned advocate Mr.Ashish H. Shah for the petitioner.

2. It is the specific case of the petitioner that the land in question was granted to the father of the petitioner, way back in the year 1971. However, the order came to be passed by the Collector in the year 1990, by which he has canceled such grant, on the ground that the land was not cultivated. The said order was passed without giving an opportunity of hearing to the petitioner or even without issuance of notice.

3. The matter is pending since more than two years. However, no affidavit-in-reply has been

filed by the State.

3. Learned Assistant Government Pleader Mr.Amit Barot seeks time to file affidavit-in-reply in this matter. Hence, stand over to **16.07.2019**. Till then, parties are hereby directed to maintain status quo with regard to the property in question. The petitioner is hereby directed not to create any third party right or transfer the same or hand over the possession to the third party. However, the petitioner shall continue to cultivate the land till further order.

(A.J.DESAI, J)

PALAK