

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 4479 of 2017****TO****SPECIAL CIVIL APPLICATION NO. 4482 of 2017**

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L. H. OF DECD. MEVABHAI RABARI AND....Petitioner(s)

Versus

STATE OF GUJARAT & 4....Respondent(s)

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Appearance:

MR N R DESAI, ADVOCATE for the Petitioner(s) No. 1

MR SP MAJMUDAR, ADVOCATE for the Petitioner(s) No. 1

ADVANCE COPY SERVED TO GP/PP for the Respondent(s) No. 1

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CORAM: HONOURABLE SMT. JUSTICE ABHILASHA KUMARI**Date : 27/02/2017****ORAL ORDER**

1. Heard Mr. S.P.Majmudar, learned advocate for the petitioner. It is submitted that the land in question has been mutated in the name of forefathers of the petitioner, being ancestral property, since the year 1950 onwards till the Promulgation. However, in the year 1960, lands of certain persons were mutated in the name of the State Government, including the land in question. No notice was issued to the petitioner and the petitioner was unaware of the said mutation entry. The petitioner continued to be in possession of the land

in question and is still in possession thereof. It is submitted that it is only when the land in question came to be allotted to the Panchayat as Government additional Gauchar land that the petitioner came to know that certain proceedings were underway and challenged the disputed entries. The case of the petitioner has been rejected solely on the ground of delay without taking into consideration the aspect that the land in question has neither been acquired nor was notice issued to the petitioner, at any stage, before mutating entries in the name of the State Government.

2. Issue Notice in each petition returnable on 10th April, 2017.

3. Status-quo, as it exists today, qua the land in question shall be maintained in each petition till then.

(SMT. ABHILASHA KUMARI, J.)

FARHAN