

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 4757 of 2017**

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LEGAL HEIRS OF PRAKASHBHAI MAFATLAL DAYANI....Petitioner(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

ABHISST K THAKER, ADVOCATE for the Petitioner(s) No. 1 - 1.3

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

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CORAM: HONOURABLE SMT. JUSTICE ABHILASHA KUMARI

Date : 10/03/2017

ORAL ORDER

Heard Mr. Nandish Thakkar, learned advocate for
Mr. Abhisst K. Thaker, learned advocate for the
petitioners.

It is submitted that the land was granted to the
petitioners in the year 1973 as a new tenure land. It
was converted for industrial use and permission to
sell this land was granted by the State Government in
the year 1995. Pursuant thereto, the petitioners
divided the said lands into 40 plots and sold 37 plots
and three plots bearing Nos. 1, 10 and 11 were left to

be sold. It is submitted that on 26.12.2012, the Collector Banaskantha issued Notice in the name of deceased partner of the industry run by the petitioners for breach of condition. The revision application preferred by the heirs of the deceased partner and other petitioners came to be rejected by the Special Secretary, Revenue Department (Appeals) (SSRD) without taking into consideration the aspect that third party rights have been created on the land in question and the directions to forfeit the land to the State Government would adversely affect those persons.

Issue **Notice** returnable on **21.04.2017**.

Ad-interim relief in terms of paragraph 20(B) is granted till then.

(SMT. ABHILASHA KUMARI, J.)

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