

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION NO. 6908 of 2017**

=====

DHARMENDRABHAI KANTIBHAI PATEL & 2....Petitioner(s)

Versus

STATE OF GUJARAT & 11....Respondent(s)

=====

Appearance:

MS TRUSHA K PATEL, ADVOCATE for the Petitioner(s) No. 1-3

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

=====

CORAM: **HONOURABLE SMT. JUSTICE ABHILASHA
KUMARI**

Date : 04/04/2017

ORAL ORDER

Heard Ms.Trusha K. Patel, learned advocate for the petitioners.

It is submitted that a part of the land in question was of old tenure land and a part thereof was shown as new tenure, in the extract of Village Form No.7/12 of the years 1987-88. However, by an order dated 29.10.1997, the portion of land that was of new tenure, was converted to old tenure. The Deputy Collector took the said order of the Mamlatdar in suo-motu review and cancelled it. When the matter reached the Collector, the order was restored and an entry regarding the confirmation the order of the Mamlatdar was posted in the revenue record. It is submitted that

it is only thereafter, when the land was fully converted to old tenure, that the petitioners purchased it by a registered Sale Deed dated 12.12.2006. The entry regarding the Sale Deed, though mutated in the revenue record, was cancelled by the Mamlatdar, for no reason whatsoever.

In the proceedings that followed, the revenue authorities took a stand that when the petitioners had executed an Agreement to Sell in respect of the land in question, the land was not of old tenure, therefore, there is a breach of condition which would entail forfeiture of the land.

It is submitted that the land in question was purchased by the petitioners only in the year 2006 when it was fully converted to old tenure. Therefore, when the title was transferred, the land was of old tenure and there could have been no breach of condition.

Issue Notice, returnable on 04.07.2017.

Ad-interim relief in terms of Paragraph-8(c) is granted, till then.

piyush

(SMT. ABHILASHA KUMARI, J.)