

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8910 of 2026**

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PATEL SURESHBHAI JIVANBHAI
Versus
THE STATE OF GUJARAT & ANR.

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Appearance:

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1
GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 06/07/2026

ORAL ORDER

1. Heard Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner.
2. By way of present petition, the petitioner has challenged the impugned order dated 15.05.2026 passed by the District Collector, Gandhinagar, wherein, the petitioner is issued provisional approval for Non-Agricultural (NA) permission on the condition that the petitioner is to deposit the amount of stamp duty recoverable to the tune of Rs.14,32,424/- along with other charges on or before 04.07.2026.
3. Mr. Nishit P. Gandhi, learned advocate appearing for the petitioner submits that the impugned order is barred by jurisdictional error wherein, while considering an application seeking NA permission under Section 65 of the Code, the respondent authority has exceeded in its jurisdiction by invoking powers under the Gujarat Stamp Act. Reliance is placed on the impugned order dated 15.05.2026 duly produced at Annexure –

I, page 37 to the petition.

3.1 Mr. Gandhi, learned advocate undertakes to pay the requisite charges for grant of NA permission however, submits that the impugned order be stayed qua the payment of the outstanding amount towards alleged stamp duty. It is further submitted that no proceedings under the Gujarat Stamp Act, 1958 are invoked against the petitioner.

4. The submissions made by Mr. Gandhi, learned advocate appearing for the petitioners, prima facie, require consideration. In view thereof, the impugned order dated 15.05.2026 wherein, the petitioner is directed to deposit Rs.14,32,424/- as outstanding amount payable towards stamp duty, is hereby stayed.

4.1 The amount payable for grant of NA permission in accordance with the order dated 15.05.2026 be deposited by the petitioner herein within a period of 2 weeks from today.

4.2 Mr. Gandhi, learned advocate undertakes to comply with the aforesaid direction.

4.3 If such amount is deposited by the petitioner, the same be accepted by the authority, which shall be subject to the final outcome of the petition.

5. Issue Notice making it returnable on 27.08.2026.

Mr. Jayneel Parikh, learned Assistant Government Pleader waives service of notice for the respondents.

In addition, Direct service is permitted on respondent No.2.

KAUSHIK D. CHAUHAN

(ANIRUDDHA P. MAYEE, J.)