

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10786 of 2024**

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BRAHMAN BHANJIBHAI DEVSIBHAI & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR VISHVESH A PUJARA(10736) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 2,3

MR AAKASH GUPTA ASSTT. GOVERNMENT PLEADER/PP for the

Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 14/08/2024****ORAL ORDER**

1. Heard learned advocate Mr. Vishvesh A. Pujara for the petitioners and learned AGP Mr. Aakash Gupta for the respondent No.1 – State.

2. By way of this petition, the petitioners inter alia challenge order passed by the learned Gujarat Revenue Tribunal dated 21.02.2024 confirming order passed by the Deputy Collector, Tharad, dated 16.08.2014 confirming an order dated 05.05.2014 passed by the Mamlatdar.

3. While it would appear that the order passed by the Mamlatdar was subjected to challenge by the petitioners before the Deputy Collector inter alia on the ground that they were not given an appropriate opportunity, yet it would also prima facie appear that the Deputy Collector had not considered the said aspect in its proper perspective. It would also appear that the issue of delay had also weighed with the Deputy Collector. It would also appear that the said order of the Deputy Collector having been

challenged before the learned GRT after a period of 10 years, the same had been rejected by the learned GRT inter alia contending that the delay has not been explained.

4. Learned advocate Mr. Pujara would contend that the proceedings before the Mamlatdar itself ought not have been proceeded any further since the Mamlatdar was hearing a Remand Case, more particularly as per the direction of order of Collector dated 16.01.1993 and whereas the Remand Case was registered after a period of 19 years. Learned advocate would submit that the proceedings itself being delayed beyond a substantial period of time, the said order itself would be barred by delay and whereas under such circumstances, the delay by the petitioner in filing the Revision Application may not be of any consequence.

5. Having regard to the submissions made by learned advocate Mr. Pujara, issue Notice for final disposal returnable on 25.09.2024. Learned AGP Mr. Gupta waives service of notice on behalf of the respondent No.1 State. Direct service is permitted for rest of the respondents.

Y.N. VYAS

(NIKHIL S. KARIEL,J)