

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14500 of 2021**

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GOPALBHAI RAMABHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR N R DESAI(6504) for the Petitioner(s) No. 1

MR SP MAJMUDAR(3456) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3,4,5,6,7,8

MR UTTKARSH SHARMA, AGP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 29/09/2021****ORAL ORDER**

Heard learned Advocate Mr. S.P. Majmudar for the petitioner and learned AGP Mr. Uttkarsh Sharm for the official respondents.

By way of this petition, the petitioner challenges an order passed by the revisional authority being the respondent No.2 herein dated 15.07.2021, confirming orders passed by the District Collector, Vadodara as well as Deputy Collector, Dabhoi.

Learned Advocate Mr. Majmudar would submit that the issue was with regard to Entry No. 2493 mutated in the revenue record with regard to village Nada, Taluka Dabhoi certified in the year 1983, whereby parcels of land mentioned in the said entry have been mutated in the name of the present petitioner upon the consent accorded by his father. Learned Advocate would submit that such an entry as stated in the entry itself had been mutated upon the concession given by father of the petitioner and on the basis of a family settlement and whereas the same had not been challenged by the father of the petitioner till he expired in the year 2011. Learned Advocate would submit that brothers as well as sisters of the

present petitioner had challenged the entry in the year 2016 and whereas the Deputy Collector vide order dated 19.05.2018 had condoned the delay and upheld the challenge to the entry, by not giving any proper reason for condoning such a huge delay and whereas the Deputy Collector had opined on the civil rights of the parties, which according to the learned Advocate, was beyond his jurisdiction. Learned Advocate would submit that the same error had been committed by the District Collector as well as the revisional authority in their impugned orders.

Having regard to the submissions made by learned Advocate Mr. Majmudar for the petitioner, issue **Notice** returnable on **27.10.2021**. Learned AGP Mr. Sharma waives service of notice for the respondent Nos. 1 and 2.

Ad-interim relief in terms of Para 20(B) is granted till the next date of hearing.

Direct service for rest of the respondents is permitted.

(NIKHIL S. KARIEL,J)

BDSONGARA