

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 18716 of 2016**

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VARALIYA MOHAMMAD HANIF ABBAS....Petitioner(s)

Versus

STATE OF GUJARAT & 32....Respondent(s)

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Appearance:

MR SP MAJMUDAR, ADVOCATE for Petitioner No. 1

MR. NISHIT P GANDHI, ADVOCATE for the Petitioner(s) No. 1

MR TIRTHRAJ PANDYA, ASST.GOVERNMENT PLEADER for Respondent No. 1

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CORAM: **HONOURABLE SMT. JUSTICE ABHILASHA KUMARI****Date : 21/11/2016****ORAL ORDER**

1. Heard Mr.Nishit P. Gandhi, learned advocate for the petitioner.

2. He has made the following submissions :

(a) That the petitioner was the highest bidder for Plot No.388/1 (the disputed plot). As no objections were received in the auction held by the Village Panchayat, the Village Panchayat decided to accept the bid of the petitioner. The petitioner made the payment for the disputed plot and a receipt was given by the Village Panchayat which is on record.

(b) That the Taluka Development Officer has confirmed the auction in favour of the petitioner on 20.06.2011. The petitioner was granted a Kabulat (Sanad) for the plot in question on 20.06.2011. Permission for construction of the residential house was granted to the petitioner by the Village Panchayat on 12.11.2011 as per the sanctioned plan.

(c) That the petitioner is paying the taxes for the plot as well as electricity bills. However, after one year and four months of the confirmation of the auction, twenty-seven villagers have filed an appeal before the Deputy Collector.

(d) Without taking into consideration the submissions of the petitioner that the applicants before him had no *locus standi* to question the auction, and that too after a delay, the Deputy Collector condoned the delay on the ground that the papers from the office of the Taluka Development Officer had not been sent to him and he was of the opinion that the appeal is required to be considered on merits.

(e) That the Deputy Collector, by his impugned order has cancelled the order dated 20.06.2011, passed by the Taluka Development Officer, confirming the auction in favour of the petitioner. The order of the Deputy Collector has been confirmed by the Collector and the appeal against the order of the Deputy Collector has been rejected by the impugned order passed by the Special Secretary (Appeals), Revenue Department ("SSRD", for short).

(f) That the petitioner was protected by an interim order during the proceedings before the SSRD, therefore, a similar order may be passed.

3. Mr.Tirthraj Pandya, learned Assistant Government Pleader, appearing on an advance copy of the petition has submitted that several discrepancies have been found by the SSRD in the manner in which the auction in favour of the petitioner has been conducted.

4. Having heard learned counsel for the respective parties, the following order is passed :

Issue Notice returnable on 18.01.2017.

Ad-interim relief in terms of paragraph-16(B), is granted, till then.

Mr.Tirthraj Pandya, learned Assistant Government Pleader waives service of notice for respondent No.1.

In addition to the normal mode of service, Direct Service for the other respondents, is also permitted.

(SMT. ABHILASHA KUMARI, J.)

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