

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 18904 of 2016**

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HARESHBHAI KANJIBHAI JAGANI & 1....Petitioner(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR UDAY R BHATT, ADVOCATE for the Petitioner(s) No. 1 - 2

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CORAM: **HONOURABLE SMT. JUSTICE ABHILASHA KUMARI****Date : 17/01/2017****ORAL ORDER**

Heard Mr.Uday R. Bhatt, learned advocate for the petitioners.

It is submitted that the petitioner has obtained a Letter of Administration in respect of the land in question, which is an agricultural land and is being used as such. It is further submitted that the Show Cause Notice in respect of the land in question has been issued after a delay of four years, which is against the principles of law enunciated by the Supreme Court in **State of Gujarat Vs. Patel Raghav Natha and others** reported in 1969 (2) SCC 187.

It is submitted that the petitioner does not know whether an affidavit-in-reply was filed by the

respondent authorities to the application filed by the petitioner, as no copy was served upon him. The petitioner was, therefore, in the dark about the defence taken by the respondent authorities which was not disclosed to him, therefore, he was unable to meet with it. It is further submitted that without asking the respondent authorities to file an affidavit-in-reply, the Special Secretary (Appeals), Revenue Department has straightaway passed the order, after various dates of hearing. It is submitted that the said order records some of the submissions of the petitioner, but all the submissions have not been dealt with in proper perspective.

Issue Notice returnable on 07.03.2017.

Ad-interim relief in terms of paragraph-12(c) is granted, till then.

(SMT. ABHILASHA KUMARI, J.)

Gaurav+