

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 19035 of 2016**=====
AKBARBHAI VAJIRBHAI KUGASIYA & 1....Petitioner(s)

Versus

STATE OF GUJARAT & 6....Respondent(s)
=====

Appearance:

MR P P MAJMUDAR, ADVOCATE for the Petitioner(s) No. 1-2

ADVANCE COPY SERVED TO GP/PP for the RESPONDENT(s) No. 1
=====**CORAM: HONOURABLE SMT. JUSTICE ABHILASHA
KUMARI****Date : 25/11/2016****ORAL ORDER**

1. Learned advocate for the petitioners has moved a draft amendment. The same is granted and may be carried out, within two days.

2. Heard Mr.P.P. Majmudar, learned advocate for the petitioners.

3. It is submitted that by the impugned order, the Special Secretary, Revenue Department (Appeals) has allowed the Revision Application filed by respondents

Nos.4 and 5 and held that the disputed entries shall be subject to the outcome of Regular Civil Suit No.387 of 2000 and Special Civil Suit No.26 of 2003. It is submitted that the order of the Special Secretary, Revenue Department (Appeals) was passed on 20.01.2016, on which date Regular Civil Suit No.387 of 2000 had been withdrawn on 03.01.2011. Special Civil Suit No.26 of 2003 stood dismissed for default on 11.08.2010. Hence, the said order has been passed without application of mind.

3.1 It is further submitted that certain interim orders that had been passed by the Civil Court in the above Civil Suits have been relied upon by the Special Secretary, Revenue Department (Appeals) without taking into consideration the legal position that any interlocutory order would merge with the final order in the Suit.

Issue Notice, returnable on 19.01.2017.

Ad-interim relief in terms of Paragraph-22(B) is granted, till then.

Mr.K.M. Antani, 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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