

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 21080 of 2016**

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KHEMCHAND KHATANMAL AHUJA....Petitioner(s)

Versus

SPECIAL SECRETARY (APPEALS) & 5....Respondent(s)

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Appearance:

MR AMIT K DAVE, ADVOCATE for the Petitioner(s) No. 1

MR KT DAVE, ADVOCATE for the Petitioner(s) No. 1

ADVANCE COPY SERVED TO GP/PP for the Respondent(s) No. 2

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CORAM: **HONOURABLE SMT. JUSTICE ABHILASHA KUMARI****Date : 21/12/2016****ORAL ORDER**

Heard Mr.K.T.Dave, learned advocate for the petitioner.

It is submitted that the Collector, Surat, has exercised *suo motu* power with respect to the land in question after a period of seventeen years. It is submitted that there is a positive opinion of the Deputy Collector in favour of the petitioner, for the grant of the land in question on a permanent basis, after the payment of some amount, as per law. It is submitted that the delay in the initiation of the proceedings was highlighted by the petitioner before the Collector, but this aspect has not been

considered. The Special Secretary (Appeals), Revenue Department ("SSRD", for short) also did not take note of this issue. It is submitted that the petitioner is the purchaser of the land from respondents Nos.4, 5 and 6. There is a gross delay in the initiation of proceedings, which could not have been initiated in view of the judgment of the Supreme Court in the case of **State of Gujarat Vs. Patel Raghav Natha and others** reported in **AIR 1968 Supreme Court 1297**.

Issue Notice returnable on 09.02.2017.

Ad-interim relief in terms of paragraph-7(C) is granted, till then.

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

(SMT. ABHILASHA KUMARI, J.)

Gaurav+