IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 10107 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 10107 of 2025
With
R/SPECIAL CIVIL APPLICATION NO. 10116 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 10116 of 2025

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JATIN MAHADEVBHAI PATEL
Versus
THE SECRETARY , REVENUE DEPARTMENT & ORS.

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Appearance:
MR CHITRAJEET UPADHYAYA with MR KIRTAN H MISTRY(10012) for the Petitioner(s) No. 1
MS DEVANSHIBA RANA AGP for the Respondent(s) No. 1,2,3

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 21/07/2026

ORAL ORDER

1. By the present Writ Petitions, the petitioner is praying to quash and set aside the order dated 13.06.2025 passed by the respondent No.2 Collector rejecting the application of the petitioner under Section 65 of the Gujarat Land Revenue Code seeking permission for non-agricultural use in respect of the subject land in question.

2. It is the case of the petitioner that the petitioner has purchased the subject land in public auction from one Shree Bhimnath Mahadev Trust. The Trust had obtained prior permission from the learned Charity Commissioner and thereafter, the petitioner was declared the successful bidder in the public auction held by the learned Charity Commissioner and he has been put in possession thereof. That thereafter, the name of the petitioner has also been mutated in the revenue record by way of mutation entry No.2037 dated 01.09.2023, which was duly certified on 05.09.2023.

3. The learned counsel Mr. Chitrajeet Upadhyaya appearing for the petitioner submits that the learned Collector has rejected the application under Section 65 on the ground that there was a heirship entry in the revenue record in respect of the administrators, which was contrary to the rules and accordingly, all heirship and sale entries have to be cancelled. The learned counsel submits that the impugned order is contrary to the law laid down by this Court in respect of scope and purport of Section 65 of the Land Revenue Code. The learned counsel relies upon the decision of this Court in the case of **Tusharbhai Harjibhai Ghelani vs. State of Gujarat reported in 2019(4) GLR 2578**, which describes the scope and purport of the power of the Collector while granting permission under Section 65 of the Land Revenue Code. The learned counsel submits that the conditions for grant of non-agricultural permission are satisfied in the present case. He, therefore, submits that the impugned order be quashed and set aside and the application of the petitioner be decided afresh.

4. Per contra, the learned AGP Ms. Devanshiba Rana appearing for the respondent authorities submits that as per the revenue record, the name of Pujari Sukhdevsinh Sivgar came to be recorded as Pujari of Shree Bhimnath Mahadev Trust. That thereafter, upon demise of Shri Sukhdevsinh Sivgar, the names of his legal heirs came to be entered by way of mutation entry No.56. The learned

AGP submits that as per the Government Resolution dated 09.04.2010, the Pujari of a temple is to be treated merely as an administrator or custodian of the property and does not acquire any independent right, title or interest therein. She submits that the Pujari is prohibited from transferring, gifting, mortgaging or otherwise dealing with the temple property as owner and he is also prohibited from claiming any personal right on the basis of his name being reflected in the revenue record in respect of the property. The learned AGP submits that the learned Collector has rightly rejected the NA application of the petitioner.

5. Heard the learned counsels for the parties, considered the submissions and perused the documents on record.

6. By the impugned order, the learned Collector has rejected the application under Section 65 for grant of non-agricultural use permission preferred by the petitioner on the ground that there is a heirship entry in the revenue record with respect to the subject land, which is contrary to the Government Resolution dated 09.04.2010 and in view thereof, all heirship and sale entries are required to be taken in revision proceedings and accordingly, the said application has been rejected. A perusal of the mutation entry No.2019 dated 29.05.2023 mutated in favour of the petitioner by way of sale came to be rejected by the Circle Officer, Vadodara (Rural) on 18.07.2023. That thereafter, in Appeal before the learned Deputy Collector, the said entry came to be certified by the order dated 31.08.2023. Accordingly, the mutation entry No.2037 dated 01.09.2023 has been entered in the revenue record in favour of the petitioner. The said mutation entry has become final. The subject land was owned by Shree Bhimnath Mahadev Trust, which had obtained prior permission from the learned Charity Commissioner for sale of the subject land. The sale has been effected in favour of the petitioner in accordance with the provisions of the Gujarat Public Trusts Act. Further, the mutation entries in favour of Pujari and the heirship entry thereafter will have no relevance once the name of the Trust has been mutated. The revenue authorities have also never initiated any proceedings against the said mutation entries in view of the Government Resolution dated 09.04.2010.

7. In view thereof, the reasoning given in the impugned order cannot be sustained in law. The impugned order dated 13.06.2025 passed by the respondent No.2 Collector is accordingly quashed and set aside. The petitioner shall be at liberty to file fresh application under Section 65 of the Gujarat Land Revenue Code for grant of permission for non-agricultural use. If such an application is filed, the same shall be decided on its own merits in accordance with law and in any case before the statutory period as provided under Section 65 of the Land Revenue Code.

8. It is clarified that this Court has not gone into the merits of the case and no opinion is expressed thereon. The application of the petitioner shall be decided taking into consideration the scope and purport of Section 65 as laid down by this Court. The petitioner shall also be granted personal hearing in case any negative opinion is received from the authority below before deciding the said application.

9. The Special Civil Applications are accordingly disposed of. No order as to costs.

10. The connected Civil Application do not survive and the same are also disposed of.

(ANIRUDDHA P. MAYEE, J.)

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