

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12129 of 2024**

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RAMINDERKAUR TEJINDERSINGH

Versus

LD DEPUTY COLLECTOR, VADODARA (RURAL) & ORS.

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Appearance:

MS SHAILEE S JOSHI(11582) for the Petitioner(s) No. 1

MR NIKUNJ KANARA, AGP for the respondent-State Authorities

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 03/09/2024****ORAL ORDER**

1. Heard learned Advocate Ms. Shailee S. Joshi for the petitioner and learned AGP Mr. Nikunj Kanara for the respondent-State Authorities.

2. The present petition had been heard on 29.08.2024 and at the request of learned AGP Mr. Kanara the matter had been adjourned for today. The learned AGP was required to clarify as to whether any notice had been served upon the petitioner prior to order dated 06.04.2024 being passed.

3. While learned AGP Mr. Kanara would relying upon the original papers of the appeal attempt to point out that reasonable steps were undertaken, yet, the facts remains that neither at the stage of condonation of delay nor at the stage of hearing of the main appeal, the present petitioner had been heard by the Deputy Collector. It also prima facie appears to this Court that while delay of 28 years had been condoned vide order dated 06.04.2024, even before a period of two months, the final order had been passed by the Deputy Collector.

4. Considering the fact that the petitioner had not given an appropriate opportunity of being heard before impugned orders being passed whereby her rights are prejudiced and further considering that the proceedings had been initiated at the instance of the heirs of the original seller, therefore, at this stage, prima facie it would appear to this Court that the impugned orders would be required to be interfered with and the matter would be required to be remanded back to the Deputy Collector for hearing a fresh.

5. Considering the above prima facie observations, for affording an appropriate opportunity to the private respondents herein, issue **Notice** to the respondents returnable on **24.09.2024**. Learned AGP waives service of notice for respondents No. 1. Direct service for rest of the respondents is permitted.

6. By way of interim relief, it is directed that there shall not be any implementation of the impugned orders passed by the Deputy Collector, Vadodara (Rural) in RTS Appeal No. 85 of 2024 and furthermore, parties are directed to maintain status quo qua the land in question and the revenue entry.

7. On the returnable date, the matter shall be listed immediately after the admission matters.

(NIKHIL S. KARIEL,J)

BDSONGARA