

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.16160 of 2018

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RAMESHBHAI AMARSANG CHAUHAN

Versus

STATE OF GUJARAT

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Appearance :

MR J.A. PATHAK FOR ANIL S DAVE for the Petitioner.

MS. HIRAL U MEHTA for the Petitioner.

for the Respondent No.5.

MR AMIT BAROT, Assistant Government Pleader for the Respondent No.1,2,3,6

MR VAGHELA FOR MR ANVESH V VYAS for the Respondent No.4.

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CORAM : HONOURABLE MR.JUSTICE A.J.DESAI

Date : 27/02/2019

ORAL ORDER

1. I have heard Mr. J.A. Pathak, learned advocate appearing for the petitioner, Mr. Amit Barot, learned Assistant Government Pleader appearing for the respondent No.1 on advance copy and learned advocate Mr. Vaghela for Mr. Vyas appearing on Caveat for the respondent No.4.

2. Rule returnable on 18.7.2019. Learned Assistant Government Pleader waives service of rule on behalf of respondent No.1 – State and learned advocate Mr. Vaghela waives service of rule on behalf of respondent No.4.

3. As far as interim relief is concerned, the following aspects have been taken into consideration :-

(I) That the petitioner has purchased the property in question by a registered Sale Deed way back on 9.10.2006 pursuant to which an Entry was mutated on 8.1.2007 and the same

was certified on 26.2.2007. This entry has been challenged by the respondent No.4 claiming right over the property since she had also purchased the property in question in the year 1996 i.e. prior to the Sale Deed executed in favour of the petitioner. However, there is no such entry in the revenue record about the sale of 1996.

(II) The entry has been challenged after a period of 10 years and subsequent to the dismissal of the suit which was filed by the petitioner against the original owner with regard to the possession of the property. The said suit was dismissed for non-prosecution.

(III) I have also considered the fact that the petitioner has also recently filed a Civil Suit for declaration about the ownership of the property in question claiming his right pursuant to a registered Sale Deed executed on 9.10.2006.

4. Hence, by way of interim relief, all the parties including the revenue authorities are hereby directed to maintain status-quo with regard to the entries mutated in the revenue record qua the property in question.

Direct service is permitted.

(A.J.DESAI, J)

SAVARIYA