

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12497 of 2026**

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BALWANT MADHUSINH THAKOR & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

DR. SHRENIK R JASANI(9486) for the Petitioner(s) No. 1,2

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 16/09/2026****ORAL ORDER**

1. During the course of hearing, learned advocate Dr. Shrenik Jasani for the petitioners has placed all the vehemence at his command on the decision dated 29.07.2022 passed by the Coordinate Bench of this Court in *Special Civil Application No.11525 of 2022 and allied matters* in the case of *Shree Vinayak Buildcon Through Bharatbhai Babulal Patel Vs. Special Secretary (Appeals), Revenue Department*, to substantiate his contention that, in cases involving fraud and limitation, any third party can institute proceedings against an order so obtained by virtue of fraud. Thus, the said decision was heavily relied upon by learned advocate Dr. Shrenik Jasani when a pointed query was posed to him as to the locus of the petitioners, who, being mortgage holders of new tenure land at

the relevant point of time, seek to challenge the order converting the land from new tenure to old tenure upon payment of premium.

2. To the utter shock and surprise of this Court, the said order of the Coordinate Bench was thereafter challenged before the Division Bench of this Court by way of ***Letters Patent Appeal No.721 of 2025 and allied matters***, wherein the Division Bench, vide order dated 12.06.2025, categorically remanded the proceedings to the learned Special Secretary, Revenue Department (Appeals), with a direction that the same be decided without being influenced by any of the observations made in the order passed by the learned Coordinate Bench.

3. When this very aspect was questioned, learned advocate Dr. Jasani casually responded that the same was not within his knowledge. When a learned advocate, particularly one holding a doctorate, is arguing before this Court with such vehemence while relying upon an authority, the bare minimum expectation is that he should come before the Court with the latest position of law, or at least with knowledge as to the finality of the decision upon which reliance is placed. Misleading the Court is a serious conduct which may be given the benefit of doubt where a junior lawyer is appearing;

however, when a seasoned lawyer is appearing before this Court, prima facie, no such benefit of doubt can be extended.

4. Considering the aforesaid, learned advocate Dr. Shrenik Jasani is hereby directed to file an affidavit explaining why contempt proceedings should not be initiated against him. It is clarified that initiation of contempt proceedings, if any, would be exclusive of the matter being referred to the Bar Council for appropriate inquiry against learned advocate Dr. Shrenik Jasani for such serious misconduct.

List this matter on 28.09.2026.

NIHAL PATEL

(NIRAL R. MEHTA,J)