

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14394 of 2025**

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PRATIK CHANDRAKANTBHAI PADHIYAR

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1

MR. JAYNEEL PARIKH for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 15/10/2025****ORAL ORDER**

1. Heard learned Advocate Mr. Nishit Gandhi for the petitioners and learned AGP Mr. Jayneel Parikh for the respondent-State.

2. By way of this petition, the petitioners challenge an order dated 12.03.2025 and 26.08.2025 issued by the Resident Additional Collector, Banaskantha at Palanpur, more particularly calling upon the petitioners to pay difference of premium amounting in total Rs. 27,10,656/-

3. Considering the submissions made by learned Advocate Mr. Gandhi and learned AGP Mr. Parikh, it would prima facie appear to this Court that the land in question was a restricted tenure land, and whereas vide an order of the year 2007, the land was permitted to be converted from restricted tenure to unrestricted tenure and whereas

the petitioners had purchased the land vide sale deed in the year 2010. It would appear that the petitioners thereafter having applied for grant of NA permission, the office of the Collector, vide an order dated 27.07.2023 had fixed the premium for the purpose of Section 63 permission, and upon the same being paid by the petitioners, order granting Section 63 permission was passed by the Collector on 02.09.2023.

3.1 It would appear that when things stood as such, the impugned order has been passed by the Resident Additional Collector, more particularly informing the petitioners that since an intimation has been received from the office of the Accountant General, whereby an opinion is given that the Jantri value of the land would have to be treated on the higher side than what had been considered at the relevant point of time, therefore, the petitioners are called upon to pay additional premium. It also appears in this regard that the land in question has been sold for industrial purpose on 15.09.2023.

3.2 Be that as it may, to this Court it would appear that the impugned order requires interference at this stage on two counts namely (i) that the petitioners were not afforded an appropriate opportunity of hearing before an order prejudicial to the petitioners had been passed and (ii) the order does not reflect appropriate application of mind on the part of the Resident Additional Collector,

who has just relied upon the recommendation/opinion from the office of the Accountant General, without independently verifying as to whether the opinion given by the office of the Accountant General was correct or not. To this Court, it would appear that even though the Accountant General may have given an opinion, it would be required for the competent authority to afford an appropriate opportunity to the petitioners and take an appropriate decision, more particularly in accordance with law and in accordance with extant police of the State Government.

4. Having regard to the above observations, to this Court it would appear that setting aside of the impugned order and reserving liberty in favour of the State to re-initiate the proceedings, would balance the equities. Having regard to such a position, the following directions are issued:

(i) The order dated 12.03.2025 and 26.08.2025 passed by the Resident Additional Collector, Banaskantha at Palanpur, is hereby quashed and set aside.

(ii) Liberty is reserved in favour of the State Authorities to re-initiate proceedings against the present petitioners insofar as the aspect as mentioned in the order dated 26.08.2025 is concerned, albeit the authorities if they chose to initiate the proceeding shall afford appropriate opportunity to the present petitioners.

(iii) All rights and contentions of all parties are kept open.

5. With the above observations and directions, the present petition stands disposed of as partly allowed.

6. It is clarified that this Court has not gone into the merits of the matter and whereas none of the observations hereinabove may be treated as this Court having given a positive finding as regards any of the aspects as mentioned in the order itself.

(VAIBHAVI D. NANAVATI,J)

KUMKUM

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KUMKUM MAHENDRA SHARMA(HC02349), ENGLISH STENO GRADE-II, at High Court of Gujarat on 04/11/2025 16:11:01