

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 18478 of 2023**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-

Approved for Reporting		Yes	No
			No

BHUPENDRA SHANALAL KACHIA & ORS.

Versus

STATE OF GUJARAT & ANR.

Appearance:

RUSHABH H SHAH(7594) for the Petitioner(s) No. 1,2,3,4,5,6

MS DIXA PANDYA AGP for the Respondent(s) No. 1, 2

CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 28/04/2026

JUDGMENT

1. **Rule** returnable forthwith. Ms. Pandya, learned AGP waives service of notice of rule for and on behalf of respondents.

2. With the consent of the learned counsel appearing for the respective parties the matter is taken up for final hearing.

3. Present petition is filed by the petitioner under Articles 14 and 226 of the Constitution of India r/w the provisions under Section 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disputed Areas Act, 1991 seeking below mentioned relief:-

“7-A. This Hon'ble Court may be pleased to admit writ petition;

B. This Hon'ble Court may be pleased to issue a writ of mandamus, or any writ or order or direction, directing the Respondent No. 2 authority to allow the application dated 23.03.2023 made by the Petitioner for transfer of the subject property, and therefore grant the Petitioners herein prior permission for sale of the subject property. Annexure F/1

C. In the alternative, this Hon'ble Court may be pleased to issue a writ of mandamus, or any writ or order or direction, and direct the Respondent no. 2 authority to consider and decide the application dated 23.03.2023, in compliance with the provisions of the Act and within a stipulated time frame as deemed fit by this Hon'ble Court. Annexine F/1

D. Any other and further relief, as this Hon'ble Court may deem fit and proper in the interest of justice.

4. Heard Mr. Rushabh Shah, learned counsel for the petitioners and Ms. Dixa Pandya, learned AGP for the respondents.

5. Mr. Shah, learned counsel for the petitioners submits that the application dated 23.3.2023 made by the petitioners seeking prior approval for sale of the property was pending before respondent No.2-Collector. He urges before the Court to direct the respondent No.2 to decide the application of the petitioners pending before respondent No.2 within reasonable time period.

6. On the other hand, Ms. Pandya, learned AGP for the respondents submits that if the application dated

23.3.2023 is pending before the respondent No.2, then the same shall be decided, as per time period fixed by this Court.

7. I have perused the record of the petition. It appears from the record that the application dated 23.3.2023 preferred by the petitioners before respondent No.2 is not decided till today and it is pending before respondent No.2 since long.

8. In view of the above, the respondent No.2 is hereby directed to decide the application dated 23.3.2023 made by the petitioners within period of 12 weeks from the date of receipt of copy of present order. The respondent No.2, after giving reasonable opportunity to the petitioners and after considering the submissions made by the petitioners, shall decide the application in accordance with law.

9. With the above observations present petition stands disposed of. Rule is made absolute to the aforesaid extent.

10. It is clarified that this Court has not entered into the merits of the matter.

SURESH SOLANKI

Sd/-
(HEMANT M. PRACHCHHAK,J)