

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13839 of 2025**

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MAHESHBHAI BHIKHUBHAI BAROT & ANR.

Versus

MAGANBHAI DEVJIBHAI BAROT & ORS.

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Appearance:

M/S.VYAS ASSOCIATES(1559) for the Petitioner(s) No. 1,2

MR DA SANKHESARA(5955) for the Petitioner(s) No. 1,2

GOVERNMENT PLEADER for the Respondent(s) No. 3,4

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 09/10/2025

ORAL ORDER

Heard the learned senior counsel Mr. Dhaval Vyas appearing for the petitioners.

It is submitted that by the order dated 18.01.2025, the learned Mamlatdar, Chikhali has rejected the Mamlatdar Court Case No.5 of 2024 preferred by the respondent Nos.1 and 2 herein on the ground that the relief sought for is existing only for the monsoon period as it is alleged that because of closure of natural drain, the water gets accumulated in the fields and thereby destroying the Mango saplings. Further, Block No.880 of the petitioners has been granted N.A. permission on 10.10.1986 and that there is a Civil Suit pending in the Civil Court between the parties. The learned senior counsel further submits that by the order dated 30.06.2025, the learned Deputy Collector, Chikhali has allowed the revision application of the respondent Nos.1 and 2 on the ground that the natural drain is in existence for more than 100 years and it is a

natural outlet for rainwater. Further, the said drain has been blocked by the occupants of the Block Nos.879 and 880. The learned senior counsel submits that the learned Deputy Collector has also observed that the order directing removal of blockage of natural drain shall remain in existence till the Regular Civil Suit No.99 of 2024 pending between the parties is decided by the Civil Court. The learned senior counsel submits that in the Regular Civil Suit No.99 of 2024, the respondent Nos.1 and 2 have also filed their counter claim. Both the civil proceedings are pending and the applications for interim relief are pending consideration before the Civil Court. He submits that the learned Mamlatdar has specifically observed in his order that the natural drain has been blocked by the occupant of Block No.906, whereby there is flooding in Block Nos.881, 882 and 883 during the monsoon season. The learned senior counsel submits that this factual observation of the learned Mamlatdar has not been taken into consideration by the learned Deputy Collector while passing the impugned order dated 30.06.2025.

Issue Notice, returnable on 24.11.2025.

In the meantime, there shall be ad-interim stay of the impugned order dated 30.06.2025 passed by the learned Deputy Collector, Chikhali in Revision Case No.2 of 2025 till the next date of hearing.

Direct service is permitted.

(ANIRUDDHA P. MAYEE, J.)

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