

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16169 of 2025**

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GOVINDBHAI KALUBHAI KALAL (PATEL)**Versus****THE DISTRICT COLLECTOR , DAHOD & ORS.**

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Appearance:**MR A A ZABUAWALA(6823) for the Petitioner(s) No. 1****MR. JAYNEEL PARIKH, AGP for the Respondent(s) No. 1,2,3,4,5**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 22/12/2025****ORAL ORDER**

1. Draft Amendment dated 22.12.2025 is taken on record. The same is allowed and directed to be carried-out forthwith.

2. Heard Mr. A.A. Zabuawala, learned advocate appearing for the petitioner and Mr. Jayneel Parikh, learned AGP appearing for the respondent – State.

3. By way of the present petition, petitioner herein has prayed for the following reliefs:

“6. The petitioners therefore pray that Your Lordships may be pleased to:

a) Issue a writ of mandamus or appropriate writ, order or

direction commanding the Respondents to decide the Petitioner's representations dated 22.08.2025 and Appeal dated 01.09.2025 by a reasoned speaking order within a time-bound period; in interest of Justice. (Annexure - H Collectively)

b) Direct the Respondents to carry out correction in village map/land records by deleting the pre-1965 interior path notation within Survey No. 214 (and allied Survey No. 216), Moje: Sukhsar, in light of Mamlatdar, Santrampur Order dated 21.10.1997 (No. Jaman/Ektra/Vashi-2705) and ground reality; in interest of Justice. (Annexure - C)

c) In the alternative, direct DILR, Dahod to conduct a joint measurement/survey with prior notice to the Petitioner and concerned parties and to take a final decision on map correction within eight weeks of measurement;

d) Hold that no public right of way exists within Survey No. 214/216 in view of the State Highway abutting the southern boundary, and that no unilateral staking shall be undertaken without due process;

e) Restrict the Respondents from undertaking any staking /measurement/boundary-marking within Survey No. 214 and 216, Moje Sukhsar, that may depict any interior public road, without issuing prior written notice and granting hearing to the Petitioner; and

f) Maintain status quo with respect to the internal depiction of any road within Survey No. 214/216; and

g) Pass such other and further orders as may be deemed fit in the interest of justice.”

4. When the matter is taken-up for hearing, Mr. Zabuawala, learned advocate restricts the prayer to decide the Appeal filed by the petitioner before the respondent no.1 - Collector on 01.09.2025 (Pg.51) under Section 37 (A) of the

Gujarat Land Revenue Code, 1879. It is submitted that, the said Appeal be decided in accordance with law and on its own merits. In the interest of justice, the same be decided preferably within a period of two months from the receipt of the order.

5. Mr. Jayneel Parikh, learned AGP submits that the Appeal pending before the Collector will be decided, as expeditiously as possible.

6. Without going into the merits of the matter, in light of the statement made by Mr. Zabuawala, learned advocate appearing for the petitioner, restricting the prayer as prayed for in the present petition to decide the Appeal filed by the petitioner before the respondent – Collector under Section 37 (A) of the Gujarat Land Revenue Code, 1879, on 01.09.2025. The same be decided by the competent authority, as expeditiously as possible, preferably within a period of three months, from the receipt of the order, independently, on its own merits and in accordance with law.

7. With the aforesaid directions, the present Petition stands disposed of. Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: PRADHYUMANSINH DILIPSINH RAHEVAR(HC01408), PRIVATE SECRETARY, at High Court of Gujarat on 22/12/2025 18:09:11