

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 14778 of 2025**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

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Approved for Reporting	Yes	No
		✓

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YATIN KHODABHAI DESAI (LEUVA PATEL) & ANR.

Versus

STATE OF GUJARAT THROUGH SPECIAL SECRETARY REVENUE
DEPARTMENT (SSRD) & ORS.

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Appearance:

PARTY IN PERSON(5000) for the Petitioner(s) No. 1,2

DELETED for the Respondent(s) No. 7

MR JAYNEEL PARIKH, AGP for the Respondent(s) No. 1,2,3,4,5,6

NOTICE SERVED BY DS for the Respondent(s) No. 2,3,4,5,6

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 27/03/2026

ORAL JUDGMENT

1. Heard the Mr. Yatin Khodabhai Desai, learned Party in Person and Mr. Jayneel Parikh, learned AGP appearing for the respondent – State authorities.

2. By way of the present petition, the petitioners herein have prayed for the following reliefs:

40. In light of the above grounds and judgment of this Hon'ble

Court and Hon'ble Supreme Court, I humbly and respectfully pray that this Hon'ble Court may be pleased to:

40(A). Allow the present Special Civil Application.

40(B). Hold and declare that the order dated 09-02-2023 passed by the learned District Collector, Ahmedabad (Resp. no. 2) in LB/ Revision Application No. 195 of 2020 and the confirming order dated 02-07-2025 passed by the learned SSRD (Resp. no. 1) in Case/Application No. HKP-AMD-42-2025 have not been properly Implemented by the concerned Revenue Authorities.

[A Copy of order passed by the learned District Collector dated 09-02-2023 is at Annexure - "F" (Colly.), Pg. no. 86 to 90 and; A copy of order passed by the learned SSRD is at Annexure - "P", Pg. no. 150 to 159]

40(C). Direct the concerned Revenue/Respondent Authorities to forthwith implement and comply with the said orders by mutating and certifying Revenue Entry No. 21451 in both Final Plot No. 170 and 173, strictly as per the Registered Sale Deed No. 2806 dated 09-03-2018 and in true spirit of the Collector's order dated 09-02-2023;

40(D). Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the concern Revenue Authorities [As per the judgment of this Hon'ble Court in R/Special Civil Application No. 3401 and 3403 of 2018 (Narendrabhai Shanilal Parekh Vs. State of Gujarat & Ors.)] to correct the entry/entries or record new entry and record the name of the petitioners in respect of Final Plot no. 170 and 173 both (i.e. Land Admeasuring 1656.37 Sq. Mtr. Of Final Plot No. 170 and 173),

strictly in accordance with Revenue Entry no. 21451 of the Registered Sale Deed dated 09-03-2018 and in accordance with our Village Form No. 6 (Hakk Patrak) application dated 01-03-2018 and as per 135-D notice 23-03-2018, expeditiously, preferably within a time bound period as specified by this Hon'ble Court.

[A copy of Judgment is annexed at Annexure -"Q", Pg. no. 160 to 174]

40(E). Quash and Set Aside Communication/Letter the impugned No.L.B./Appeal/R.A.No.195/2020/SUDHARO/VSHI.20/24/2025., dated 02-01-2025 which was signed by Resident Ahmedabad / Resp. no. 3. Addi. Collector,

[A Copy of Communication/Letter dated 02-01-2025 is annexed as Annexure Page no. 111] "L",

40(F). Direct the revenue authorities to delete the Revenue Entry No. 23215 and 23216 in the revenue records.

40(G). Direct the Respondent Revenue Authorities that after passing correction order/recording new entry, certified copy of the correction order should be provided to the petitioners and new revenue entry will be posted and certified as expeditiously as possible within a time bound period as specified by this Hon'ble Court.

40(H). Direct the Respondents Revenue Authorities that after correction order or after recording new entry in both the final plot i.e. F.P. No. 170 and 173, the new revenue entry, should not be cancel.

40(1). YOUR LORDSHIPS be pleased to grant such other and further reliefs/order or orders as may be deemed fit and proper in the facts and circumstances of the case in the interest of Justice.

40(J). Exemplary Cost of the petition to be granted from the respondent no. 1, 2, 3,6 and 7.

Interim Prayer

41. Pending the final disposal of this petition, the Petitioner prays for an interim direction to the Respondents/Revenue Authorities to maintain the status quo regarding the revenue records for Final Plot No. 170 & 173 of the TP Scheme No. Nikol Rakhial 1, Dis: Ahmedabad, Sub-Dis: Maninagar, Mauje: Rakhial, and restrain any third party from interfering with the Petitioner's revenue records of the said plots.”

3. It is the case of the petitioners herein that the petitioners herein purchased the land bearing Survey No. 289/1 and 290/1, bearing Final Plot No. 170 and 173 admeasuring 1656.37 sq. mts. situated in District: Ahmedabad, Sub-District: Maninagar, Village: Rakhial by way of a registered sale deed no. 2806 dated 09.03.2018 (old registration Sale Deed No. 9459 dated 30.10.2017) duly produced at Annexure-A to the petition.

3.1. The petitioners herein applied for mutation of revenue entry in the revenue record wherein the same was objected by filing objection before the Circle Officer leading to the registration of RTS/Takrari

Case No. 18 of 2018 before respondent no. 5 - Mamlatdar who rejected the petitioner's application of registered sale deed on 05.10.2018 duly produced at Annexure-B to the petition.

3.2. Being aggrieved by the aforesaid the petitioner herein preferred appeal being RTS/Appeal/Case No. 282 of 2018 before the respondent no. 4 - City Deputy Collector (East), Ahmedabad herein who rejected the appeal by order dated 31.01.2020. The rejection order of City Deputy Collector (East) was also recorded in both the Final Plot No. 170 and 173 in the Revenue Entry No. 22238 in Revenue Record on 05.03.2020.

3.3. The petitioners challenged the aforesaid order by preferring Revision Application before District Collector, Ahmedabad, who allowed the Revision Application No. LB/Revision Application No. 195 of 2020 on 09.02.2023, but the order was recorded only for Final Plot No. 170 in Revenue Entry No. 23181 on 21.02.2023, and Final Plot No. 173 was omitted due to a typographical mistake.

3.4. The petitioners approached the respondent no. 2 - District Collector herein and respondent no. 1 - SSRD accepted the mistake and thereafter, the Revenue Entry No. 23215 and 23216 was recorded by the District Collector on 18.03.2023 but the Circle Officer rejected that entry on the ground that "there is no mention of F.P. No. 173 in

District Collector's Order”.

3.5. The petitioners applied for correction/rectification before the City Deputy Collector (East), Ahmedabad on 05.04.2023, the earlier request being in oral in nature, the City Deputy Collector - respondent no. 4 denied the correction in the order dated 31.01.2020 stating that though a mistake occurred in the first paragraph of the order but we recorded the entry in both the Final Plots was recorded and that the District Collector is higher authority.

3.6. The petitioner preferred rectification/correction application before the respondent no. 2 - District Collector, Ahmedabad on 11.07.2024.

3.7. Thereafter, respondent no. 2 sought opinion from the respondent no. 4 on 25-07-2024. The respondent no. 4 provided positive opinion on 27.11.2024 for entry in both the Final Plot No. 170 and 173 because the Revenue Entry No. 21451 of the registered sale deed was recorded in both the Final Plot and Revision Case LB/Revision Application Case No. 195 of 2020 allowed for “Revenue Entry No. 21451”.

3.8. Though, respondent no. 4 gave favorable positive opinion for correction/rectification order and for revenue entry, the District Collector and respondent nos. 2 and 3 refused to correct the error by

order vide Communication Letter No. L.B./Appeal/R.A.No.195/2020/SUDHARO/VSHI.20/24/2025, dated 02.01.2025. Upon such refusal, the petitioners preferred Special Civil Application No. 1224 of 2025, wherein by order dated 05.02.2025 liberty was granted to prefer application before the SSRD. The said order is duly produced at Annexure-M to the petition.

3.9. On 10.02.2025, the petitioners preferred Application/Case No. HKP-AMD-42-2025 before the SSRD, wherein by order dated 04.04.2025, the application seeking condonation of delay was allowed. By order dated 02.07.2025, the SSRD confirmed the order passed by District Collector, Ahmedabad and rejected the application. The aforesaid has given rise to the filing of the present petition.

4. Mr. Yatin Khodabhai Desai, learned party in person, submits that the order dated 09.02.2023 passed by the Deputy Collector in LB/Revision Application No. 195 of 2020 allowed the appeal filed by the petitioners wherein, the City Deputy Collector's order refusing to mutate the petitioners name in the revenue record was quashed and set aside. Consequently, Entry No. 21451 was directed to be certified.

5. Mr. Parikh, learned AGP is not in a position to controvert the aforesaid factual position that the petitioner herein is a registered sale deed holder and the Mutation Entry No. 21451 has attained finality or

that the said fact has attained finality and that by order dated 04.04.2025 the District Collector also directed that respondent authorities to certify the entry in the revenue record.

6. Upon perusal of the Entry No. 21451 dated 23.03.2018, the same includes both the Survey nos. 170 and 173. In view thereof, the anomaly that occurred in the Entry No. 23181 posted in the revenue record dated 21.02.2023 wherein, it includes only one survey number, i.e., 170. Considering the Entry No. 21451 which is that of the registered sale deed no. 2806 dated 09.03.2018, it is not in dispute that the said sale deed includes both the Survey Nos. 170 as well as 173 and if an anomaly has occurred in mutating the revenue survey numbers, the mutation entry of a registered sale deed has to be given effect to.

6.1. It is further noted that the anomaly is at the instance of the respondent authority for which the petitioners herein cannot be held responsible because as submitted by the party in person it is also not in dispute that the petitioners have entered into the registered sale deed for both the survey numbers. The petitioners herein approached the competent authorities for such rectification however, the same is declined by the competent authorities concurrently.

POSITION OF LAW:

7. It is apposite to refer to the decision rendered in **Special Civil Application No. 3401 of 2018** with **Special Civil Application No. 3403 of 2018** dated 10.08.2023, more particularly paragraph no. 11, which reads thus:

“11. Now, keeping in mind the aforesaid proposition of law as well as the facts of the present case, in my considered opinion, the revenue authorities while exercising the powers under the revenue jurisdiction appear to have exceeded its jurisdiction by refusing to mutate the registered sale deed entry on the ground that the petitioner has not produced the details of land within the Godhara Taluka. The entire crux for cancellation of the mutation of entry is that the petitioner had not produced the agricultural land certificate. In my considered opinion, under the provision of Section 135-C of the Code, it is the duty of the revenue authorities to give effect of registered sale deed in the revenue records at the first instance. Whether the petitioner is an agriculturist or not, can be the subject matter in a different and independent proceedings but, certainly, cannot be considered in the revenue proceedings. In the instant case, however, if the order of the Deputy Collector, Godhara dated 16.1.2016 is perused, it is abundantly made clear therein that the petitioner has already produced the agricultural certificate of the Mamlatdar, Halol dated 26.2.2012. Under the circumstances, rejection of mutation entry on that ground, even otherwise, could not have been sustained.”

8. In view of the aforesaid, the impugned communication/letter dated 02.01.2025 in No.L.B./Appeal/ R.A.No.195/ 2020/SUDHARO/

VSHI.20/24/2025., issued by the Resident Ahmedabad /respondent no. 3. Additional Collector is quashed and set aside.

9. The order dated 04.04.2025 passed by the District Collector is such that order has attained finality and which includes both the survey numbers and in view thereof, the said order is directed to be acted upon within a period of four weeks from the date of receipt of this order.

10. In view thereof, the Revenue Entry Nos. 23215 and 23216 be deleted/cancelled in the revenue records and the order dated 31.01.2020 passed by the Deputy Collector and order dated 09.02.2023 passed by the District Collector, wherein it is directed that the Mutation Entry No. 21451 be certified, the same is directed to be given effect to in the revenue record in its true spirit within a period of four weeks from the receipt of this order.

Direct service is permitted.

KUMKUM

(VAIBHAVI D. NANAVATI,J)