

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15800 of 2024**

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MANGUBHAI DAYALBHAI PATEL
Versus
DEEPAKBHAI NAROTTAMBHAI PATEL & ORS.

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Appearance:

MR MEHUL SHARAD SHAH(773) for the Petitioner(s) No. 1
MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 3,4

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 28/11/2024

ORAL ORDER

1. Heard learned advocate Mr.Mehul S. Shah on behalf of the petitioner and learned Assistant Government Pleader Mr.Nikunj Kanara on behalf of the respondent – State.
2. By way of this petition, the petitioner challenges order dated 08.10.2024 passed by the Deputy Collector, Bardoli, District: Surat setting aside the order dated 03.08.2023 passed by the Mamlatdar, Bardoli, all proceedings being under the Mamlatdars Courts Act.
3. Considering the submissions made by learned advocate Mr.Shah, prima facie, it would appear that the reasons which weighed with the Deputy Collector may not be germane to the issue in question and whereas, it also prima facie appears that the Mamlatdar while passing the order dated 03.08.2023 had taken all the aspects raised before him in consideration.

4. Considering such a situation, at this stage, this Court deems it appropriate to pass the following order:-

(i) Issue **Notice to the respondents, returnable on 09.01.2025**. Learned AGP Mr.Kanara waives service of notice on behalf of the respondent – State. Direct service to rest of the respondents is permitted.

(ii) By the returnable date, the Mamlatdar, Bardoli shall ensure a site visit panchnama carried out after issuing appropriate notices to all parties concerned and whereas a site map shall be prepared by the Mamlatdar for perusal of this Court which shall also be attached along with the panchnama and whereas, a village map also be submitted to this Court by the returnable date.

(iii) The Mamlatdar, Bardoli is further directed not to proceed further with the remand proceedings till the returnable date.

5. On the returnable date, the matter shall be listed on top of the board.

(NIKHIL S. KARIEL,J)

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