

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16158 of 2025**

With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 16158 of 2025

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HAKIMBHAI SELABHAI @ CHELABHAI MALEYSALAM & ORS.

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR VICKY B MEHTA(5422) for the Petitioner(s) No. 1,2,3,4,5,6

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

NOTICE SERVED BY DS for the Respondent(s) No. 4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 16/02/2026

ORAL ORDER

ORDER IN CIVIL APPLICATION (FOR STAY) NO. 1 of 2026

1. Heard Mr. Vicky B. Mehta, learned advocate appearing for the applicants and Mr. Jayneel Parikh, learned AGP appearing for the respondent authorities.

2. By way of the present application, the applicant herein seeks stay of the implementation of the notice issued by the respondent no.

3 – Mamlatdar and Executive Magistrate dated 05.02.2026 duly produced at Annexure-D to the application, under Section 202 of the Land Revenue Code, 1879 (for short, “the Code”) pursuant to the order dated 15.12.2025 passed by the Mamlatdar, Palanpur in

Jamin/Daban/Case No. 2 of 2025 under Section 61 of the Code.

2.1. Mr. Mehta, learned advocate submits that the petitioner herein would challenge the said order passed under Section 61 of the Code though, the petitioner has raised a preliminary objection with respect to the maintainability of the issuance of the notice under Section 61 of the Code in the name of the petitioner. It is submitted that in light of the fact that the final order having been passed, pending the present petition by the Mamlatdar on 15.12.2025, the petitioners would challenge the with statutory appeal before the Collector as provided under the Code.

3. In the interregnum period, the order dated 15.12.2025 passed under Section 61 of the Code not be implemented till the petitioner were to prefer such appeal in accordance with law.

4. Mr. Parikh, learned AGP objects to the same and takes the Court the Civil Application No. 1 of 2025 filed by the applicants - original petitioners herein wherein, pursuant to the order passed under Section 61 of the Code, the petitioners herein prayed for issuance of status quo till the main petition is decided. By order dated 27.12.2025, upon the request made by the learned advocate for the petitioners the matter was adjourned to 05.01.2026. Placing reliance on the aforesaid, Mr. Parikh, learned AGP submits that the petitioner herein is fully aware of the order passed on 15.12.2025 under Section

61 of the Code and in view thereof, it was open for the petitioners to challenge the said order wherein the applicant herein, on his own approached the Court by way of Civil Application No. 1 of 2025. It is now not open for the applicant herein to ask for extension of time because it is not even the case of the petitioner that such order is not received by the applicant herein.

5. Mr. Mehta, learned advocate submits that the petitioners would file an appeal before the Collector and in the interregnum period, the applicant herein to be protected.

6. Having heard the learned advocates appearing for the respective parties, the petitioner herein, in the main petition has challenged the issuance of the impugned notice dated 29.10.2025 by the Mamlatdar and Executive Magistrate, i.e., the respondent no. 3 herein as well as the notices dated 24.05.2025 and 15.10.2025. The Court issued notice on 01.12.2025 making it returnable on 15.01.2026. In the interregnum period, the final order came to be passed under Section 61 of the Code on 15.12.2025 which gave rise to the filing of Civil Application No. 1 of 2025 wherein, the petitioners prayed for time and in view thereof, the said Civil Application No. 1 of 2025 is adjourned.

6.1. Today, Mr. Mehta, learned advocate has approached this Court with a fresh Civil Application wherein, the applicant seeks stay of execution, operation and implementation of the 05.02.2026 issued by

the respondent no. 3 - Mamlatdar and Executive Magistrate under Section 202 of the Code which is Annexure-D to the petition. Upon harmonious consideration of the documents on record, the petitioner herein thought it fit only to challenge the show-cause-notice dated 29.10.2025 issued by the respondent no. 3 in the main petition. The petitioners herein have tried to enlarge the scope of petition by way of Civil Applications.

7. This Court is of the considered view that the petitioners herein are aware of the order passed under Section 61 of the Code as back as on 15.12.2025.

8. It is always open for the petitioner to act in accordance with law and challenge the said order in accordance with law.

9. With the aforesaid directions, the present Civil Application is disposed of.

ORDER IN SPECIAL CIVIL APPLICATION NO. 16158 of 2025

1. Heard Mr. Vicky B. Mehta, learned advocate appearing for the applicants and Mr. Jayneel Parikh, learned AGP appearing for the respondent authorities.

2. It is noted that the prayers as prayed for, in the main petition are with respect to the issuance of the notice under Section 61

wherein, the said notice under Section 61 of the Code is dated 29.10.2025 and prior notice is dated 24.05.2025 is subject matter of challenge, the issuance of the order dated 15.12.2025 passed under Section 61 of the Code renders the main petition infructuous.

3. In light of the aforesaid, the present petition is disposed of as having become infructuous.

KUMKUM

(VAIBHAVI D. NANAVATI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KUMKUM MAHENDRA SHARMA(HC02349), ENGLISH STENO GRADE-II, at High Court of Gujarat on 23/02/2026 17:22:04