

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16211 of 2025**

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MAUSAM KUSHAL PATEL
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR KISHAN P KOTAK(13912) for the Petitioner(s) No. 1

MR VIMAL A PUROHIT(5049) for the Petitioner(s) No. 1

MR HARDIK SONI, AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 02/12/2025**ORAL ORDER**

1. Heard Mr.Vimal Purohit, learned advocate for the petitioner and Mr.Hardik and Mr.Hardik Soni, learned Assistant Government Pleader for the respondent State.

2. The petitioner herein has challenged the impugned show cause notice dated 20.09.2025 issued to the petitioner in Suo Motu Revision Case No.09 of 2025 undertaken by the Collector, Vadodara against the petitioner herein under Rule 108 (6) of Gujarat Land Revenue Code, 1972 ('the Code', for short) on the ground that when the petitioner applied for Non-agriculture Use Permission under Section 65 of the Code, it came to the notice to the respondent authority that the land in question is government land which is referred to as 'Revenue Account / Land Record Administration'.

3. The aforesaid has given rise to issuance of notice for mutation entry no.1480 mutated in revenue record on 21.2.2004 wherein the land was bequeath to the petitioner by one Jagannath J. Shankar who expired on 12.03.1979. Placing reliance on paragraph nos.8, 9 and 10 of the

petition, it is submitted that the revenue record provides by entry no.58, the succession entry came to be mutated upon demise of Brahman Jagnath J. Shankar. By virtue of Entry No.467, name of alleged tenants came to be deleted since they were not willing to purchase the land. By virtue of Entry No.823 dated 24.06.1976, it transpires that the order dated 11.03.1976 in Ganot Case No.2262 of 1975 was given effect wherein it was stated that Chimanbhai Kalidas Patel was not legal tenant of the land in question and that there was breach of Fragmentation Act.

4. Placing reliance on the aforesaid submission, it is submitted that the petitioner herein had purchased the property in question by way of registered sale-deed which is mutated vide Entry no.2484 on 22.05.2015 entered into between Patel Gajendrabhai and the petitioner herein. It is only when the petitioner approached the respondent authority for NA permission that the impugned proceedings are initiated against the petitioner for an entry mutated as back as on 21.12.2004 being Entry No.1480. The said is barred by the computation of reasonable period within which respondent authorities could have initiated the proceedings under Rule 108 (6) of the Rules. Reliance is placed on the ratio laid down in case of Bharatbhai Naranbhai Vegda vs/ State of Gujarat and others reported in 2016 (2) GLR 1021. Issue **Notice** to the respondents making it returnable 16.01.2026. Mr.Hardik Soni, learned Assistant Government Pleader waives service of notice on behalf of Respondent No.1. The impugned show cause notice dated 20.09.2025 is directed to remain stayed, till the next date. Direct service is permitted.

MISHRA AMIT V.

(VAIBHAVI D. NANAVATI,J)