

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17347 of 2025**

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SOTA TALAB SIDHIK

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR.DARSHAN A. DAVE(7921) for the Petitioner(s) No. 1

MR DHAVAL PARMAR, AGP for the Respondent(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 22/01/2026****ORAL ORDER**

1. The present Petition is filed under Article 227 of the Constitution of India, 1950 wherein the petitioners pray for the following reliefs:

(A) This Hon'ble Court may be pleased to issue any appropriate writ, order, directions quashing and setting aside order dated 24.11.2025 passed by the 8th Additional District Judge, Bhuj in Misc. Civil Appeal No. 28 of 2025 at Annexure-4 and order dated 30.09.2025 passed below Exh. 5 in Special Civil suit No. 1 of 2024 by the Ld. Principal Senior Civil Judge, Nakhtrana at Annexure-B.

(B) Pending, the hearing and final disposal of the present petition, this Hon'ble court may be pleased to direct the respondents not dispossess the petitioner from the said Land and maintain status quo till disposal of suit.

(C) This Hon'ble Court may be pleased to grant such other and further relief and/or order in the interest of justice in favour of the applicants.

2. Learned advocate, Mr. Darshan Dave for the petitioner has filed a leave-note today. However, learned advocate, Mr. Ravi Shah submits that he has instructions from learned advocate, Mr. Darshan Dave to appear and submit submissions for and on behalf of the petitioner.

3. Heard learned advocate, Mr. Ravi Shah for learned advocate, Mr. Darshan Dave for the petitioner and learned AGP, Mr. Dhaval Parmar for the respondents.

4. The brief facts of the case are as under:

4.1 The plaintiff – petitioner has filed a suit for a relief of permanent injunction and also sought for a relief that defendant Nos. 3 to 6 – the Revenue Authorities, be directed to mutate the name of plaintiff pursuant to a registered sale deed dated 06.01.2009 in the record of rights and further prayed for a relief that the order passed by defendant No. 2 – Deputy Collector be quashed and set aside as the same is not binding to the plaintiff. The petitioner has prayed a similar relief in the injunction application, Exhibit – 5, to the effect that of permanent injunction against the defendants. It is the case of the plaintiff in the plaint, as well as, injunction

application that the suit land bearing survey No. 474 (old survey No. 59), admeasuring about 40,817 sq. mtr. belong to the ownership of the plaintiff and the plaintiff has purchased a suit property by a registered sale deed dated 06.01.2009 from defendant No. 8 who was the erstwhile owner. The Exhibit – 5 application came to be rejected by the learned Trial Court vide order dated 30.09.3025 against which the plaintiff filed Misc. Civil Appeal No. 28 of 2025 before the learned 8th Additional District Judge, Bhuj, who also rejected the appeal by confirming the order passed below Exhibit – 5 application by the learned Trial Court.

4.2 Being aggrieved and dissatisfied with the order passed by the 8th Additional District Judge, Bhuj in Misc. Civil Appeal No. 28 of 2025, the petitioner has filed the present petition.

5. Learned advocate for the petitioner, at the outset, submitted that pursuant to a registered sale deed dated 06.01.2009, he is the owner of the suit land. The entry of the registered sale deed was not mutated in the revenue record. It is contended that on the presumption that defendant No. 1 has mutated his name in the

revenue record, the plaintiff did not get the entry of his sale deed mutated in the revenue record. By an order under Section 79(A) of the Land Revenue Code, 1879, being case No. 1 of 2022 by Deputy Collector, name of government was mutated in revenue record. When the plaintiff got the knowledge about such an entry, the order came to be challenged. It is contended that the appeal of the plaintiff came to be rejected by defendant No. 1 vide order dated 24.08.2023. Thereafter, plaintiff challenged the said order before the learned Gujarat Revenue Tribunal at Ahmedabad and the same is pending. Pending such proceedings, the present suit came to be instituted. The cause for filing the suit is that the defendant Nos. 2 to 6 were threatening plaintiff to dispossess from its possession and a notice dated 26.10.2023 came to be issued by defendant No. 5. The learned Trial Court did not believe the ownership right of the plaintiff and rejected the application, Exhibit – 5. It is contended that the learned District Court, while deciding the issue, also did not appreciate the pending proceedings before the learned Gujarat Revenue Tribunal at Ahmedabad and rejected the appeal without assigning any cogent reasons. Except above, no other submissions were canvassed by learned advocate for the petitioner.

6. Learned AGP for the respondent – State has supported the order passed by the learned Trial Court and contended that the present petition deserves to be rejected as no case is made out by the petitioner.

7. Considering the submissions canvassed by learned advocate for the petitioner and upon perusal of the paper-book supplied by learned advocate for the petitioner, it appears that the plaintiff has filed a suit of permanent injunction, coupled with a relief of declaration that the order passed by defendant No. 2 is not binding to the plaintiff and also prayed for a relief that defendant Nos. 3 to 6 be directed to mutate the name of plaintiff in the revenue record pursuant to the sale deed. The concurrent finding of both the learned Courts below, finds no *prima facie* case in favour of the plaintiff. It appears from the prayers sought for in the plaint, more particularly, paragraph No. 15 (2) and the prayers sought for in the injunction application, Exhibit – 5, paragraph No. 9, the reliefs are identical and are same in nature. If the injunction application, Exhibit – 5, is granted, it would amount to passing a decree in favour of plaintiff without trial. Moreover, the learned First Appellate Court has also found while rejecting the appeal that the

entry of a registered sale deed in favour of defendant No. 8 has been canceled as can be seen from mark 3/7. It also appears that the sale has taken place without previous permission of the Collector and therefore, the entry of sale has been rejected. When the concurrent finding of facts is against the petitioner, I do not find any reason to interfere with the order passed by the learned Trial Court, as well as, by the learned First Appellate Court.

8. As no case is made out by the petitioner, whereby this Court can exercise its powers envisaged under Article 227 of the Constitution of India, 1950 and, in absence of any perversity or illegality in both the impugned orders, I do not find any merit in the present petition and the same is hereby rejected. The present petition is disposed of accordingly. The learned Trial Court shall not be influenced by the observations made hereinabove and decide the suit on evidence and provisions of law.

(D. M. DESAI,J)

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