

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17417 of 2025**

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SHAILESH AMARSINHBHAI VASAVA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

JAYDEEPSINH H RAJPUT(8185) for the Petitioner(s) No. 1

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

GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 22/12/2025****ORAL ORDER**

1. Heard Mr. Vimal A. Purohit, learned advocate appearing for the petitioner.

2. Mr. Vimal A. Purohit, learned advocate appearing for the petitioner submits that one Shri Somabhai Jeevanbhai bequeath the property as recited in the Will dated 11.02.2019, which is produced on record at page 26, Annexure – B to the petition, wherein, the petitioner's name is reflected for land bearing Survey No.634 paiki Acre 5.24 Gunthas, which is mutated as entry No.2384 on 28.08.1972. It is submitted that Somabhai expired on 16.10.2019. Subsequently, the petitioner's name is mutated in the revenue record by way of

Mutation Entry No.9136 on 16.07.2020 wherein, the petitioner is stated to be holding the status of an agriculturist. The said mutation entry was made upon issuance of notice under Section 135D of the Code for which, there were no objections. The said entry was certified on 07.10.2020.

2.1 Mr. Purohit, learned advocate submitted that upon a complaint filed by third person, one Mr. Rakesh B. Vasava, General Secretary, Adivasi Hit Rakshak Samiti, on the ground that the petitioner herein is in violation of condition no.2 of the order passed by the Prant Officer that, the land-in-question was an new tenure land and that, the same could not be sold without prior permission of the competent authority. It is submitted that the petitioner herein is an agriculturist holding agriculture land and the name of the petitioner is mutated in the revenue record upon due verification. It is submitted that issuance of the show cause notice by the respondent authorities belatedly after a span of five years, is such that the same is required to be interfered with.

2.2 Reliance is placed on the ratio laid down in case of ***Bharatbhai Naranbhai Vegda & 5 Ors. Vs. State of Gujarat & 13 Ors.***, reported in ***2016 (2) GLR 1021*** wherein,

it is held that initiation of proceedings beyond reasonable period barred by delay and latches, are such that the same are unsustainable in eye of law. Reliance is also placed on the ratio laid down in case of ***State of Punjab and Ors. Vs. Bhatinda District Cooperative Milk Producers Union Ltd.***, reported in **2007 (11) SCC 363** more particularly, paragraphs 24 and 25 of the said judgment wherein, it is held that issuance of show cause notice beyond the period of limitation, is without jurisdiction. Reliance is further placed on the ratio laid down in case of ***Hardik Sunilbhai Agrawal Vs. Prant Officer, Kadi***, reported in **2023 (4) GLH 478**.

3. Issue **Notice** making it returnable on **02.02.2026**. Mr. Angesh A. Panchal, learned AGP waives service of notice for and on behalf of the respondent No.1.

In the meantime, interim relief in terms of paragraph 20(C) is granted, till the next returnable date.

Direct service is permitted qua rest of the respondents.

(VAIBHAVI D. NANAVATI,J)

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