

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17447 of 2025**

=====

DINESHBHAI SHANKARLAL PATEL & ORS.

Versus

THE STATE OF GUJARAT & ANR.

=====

Appearance:

MR TIRTH H SHAH(13975) for the Petitioner(s) No. 1,2,3

MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1,2,3

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

NOTICE SERVED BY DS for the Respondent(s) No. 2

=====

CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date: 07/04/2026

ORAL ORDER

1. Heard Mr. Kevin Virvadiya, learned advocate for Mr. Nishit Gandhi, learned advocate appearing for the petitioners and Mr. Jayneel Parikh, learned AGP appearing for the respondent – State authorities.

2. By way of the present petition, the petitioners herein have prayed for the following reliefs:

“(22) In the premises aforesaid, the petitioners most humbly and respectfully pray that:

(A) YOUR LORDSHIPS may be pleased ased to issue a writ of mandamus or a writ in the nature of mandamus or order or any other appropriate writ, directions quashing and setting aside the

impugned order dated 04.07.2025 (at ANNEXURE-H) passed by District Collector, the learned Ahmedabad in application no. 30718202506608 and further be pleased to direct the learned District Collector to grant revised N.A. permission. as per Section 65A of the Code qua the land is question:

(B) During the pendency and final disposal of the present petition YOUR LORDSHIPS may be pleased to stay further implementation and order impugned execution dated operation, of the 04.07.2025 (at ANNEXURE-H) passed by the learned District Collector, Ahmedabad In application no. 30718202506608 for grant of N.A. permission and further be to direct the pleased learned District Collector to reconsider the N.A no. permission application 30718202506608 (at ANNEXURE-G) strictly in accordance with the provisions of Section 65A of Gujarat Land Revenue Code, 1879;

(C) Pass any such other and/or further orders that may be thought just and proper, in the facts and case;”

3. By way of the present petition, the petitioners herein have challenged the impugned order dated 04.07.2025 passed by the respondent no. 2 - District Collector, Ahmedabad, for grant of revised Non-Agricultural (NA) permission for land admeasuring 850 sq. mts. of Survey Block No. 294/1, forming part of T.P. Scheme No. 29, having final plot No. 404/1, total admeasuring 4189 sq. mts. at Village: Vadaj, Taluka: Sabarmati, District: Ahmedabad, as provided under Section 65A of the Gujarat Land Revenue Code, 1879 (for short, “the Code”) the said application bearing No. 30718202506608 which

came to be rejected by the impugned order on the ground of negative opinion by the Mamlatdar (ULC).

3.1. Reliance is placed on the order passed granting NA permission dated 28.09.2016 wherein while granting such permission under Section 65A of the Code, the competent authority, relied in the opinion by the Deputy Collector dated 23.12.2014 on the same ground wherein the opinion was stated to be positive.

3.2. It is submitted that while passing the impugned order, reliance is placed on the online negative opinion of the Mamlatdar.

4. Mr. Parikh, learned AGP submits that the petitioners application seeking revised NA is not rejected and it is only consigned to file. If the petitioners were to prefer a fresh application the same would be considered by the competent authority in accordance with the provisions of Section 65 of the Code.

5. Having heard the learned advocates appearing for the respective parties, it is not in dispute that the petitioners herein preferred application under Section 65A of the Code seeking revised NA use permission on 14.05.2025 by way of application bearing No. 30718202506608 which came to be rejected by the impugned order dated 04.07.2025 on the ground of an online negative opinion given by the Mamlatdar (ULC).

6. In the opinion of this Court while considering the application under Section 65A of the Code for grant of revised NA, the competent authority is required to consider the case of the applicant in accordance with the said provision. The impugned order consigned the petitioners application for NA permission for order dated 04.07.2025 on the ground of a negative opinion by the Mamlatdar.

6.1. It is also apposite to note that the petitioners herein are granted NA permission based on the positive opinion by the competent authority, i.e., Deputy Collector (ULC) which is evident upon perusal of the order granting NA permission dated 28.09.2016 duly produced at Annexure-F Colly., wherein the respondent no. 2 has taken into consideration Clause-4 and Annexure-4 wherein, the opinions are by the authority is positive. In view of the aforesaid also, the NA permission itself was granted based on the positive opinion by the Deputy Collector (ULC). In view thereof, the impugned order is required to be interfered with on the aforesaid ground alone wherein, reliance is placed on the online opinion by the Mamlatdar (ULC).

6.2. The impugned order dated 04.07.2025 passed by the District Collector, Ahmedabad is quashed and set aside on the aforesaid ground alone.

7. If the petitioners/occupants were to prefer a fresh application seeking revised NA permission under Section 65A of the Code, the

same be decided by the respondent authority in accordance with the powers provided under Section 65A of the Code.

8. With the aforesaid directions, the present petition is partly allowed.

Direct service is permitted.

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 10/04/2026 15:54:02