

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 17376 of 2025

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POONAMBEN KARSHANBHAI GOSIYA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR YASH N NANAVATY(5626) for the Petitioner(s) No. 1,2,3,4,5,6,7
MS DEVANSHIBA RANA, AGP for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 22/12/2025

ORAL ORDER

1. Heard Mr. Yash N. Nanavaty, the learned advocate appearing for the petitioners.

2. The petitioners herein are aggrieved by the impugned order dated 4.11.2025 (Annexure-A) passed by the competent authority wherein the respondent No.2 initiated suo motu proceedings against the petitioners herein for Registered Sale Deeds for which mutation entries are mutated in the revenue record which are duly produced in para-4, page-8 to the petition. The said transactions are as back as in the year 1998 which have attained finality.

3. It is pointed out by Mr. Nanavaty, the learned advocate appearing for the petitioners that upon mutation entries are recorded in the revenue record as Mutation Entry Nos.6769 to No.6772 the petitioners herein are the agriculturist and the entries are certified in the revenue record on 20.7.1994. The respondent authority also admits the fact that the petitioners herein are also agriculturist of Village : Mangrol and further copies of 7 x 12 and Form-6 are also produced on record.

4. It is submitted that issuance of show cause notice by initiating suo motu proceedings is such that the same is beyond the reasonable period. Reliance is placed on 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**.

5. Issue notice making it returnable on 2.2.2026.

6. Let there be interim relief in terms of para-8(C) is granted, however let the parties to maintain status-quo qua that.

(VAIBHAVI D. NANAVATI,J)

K.K. SAIYED

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SAIYED KAZIMALI(HC00169), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 24/12/2025 17:12:14