

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 17579 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

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Approved for Reporting	Yes	No
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SUN AAKAR DEVELOPERS A PARTNERSHIP FIRM & ORS.
 Versus
 THE DISTRICT REGISTRAR AND COLLECTOR & ORS.

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Appearance:

MS AESHA GANDHI FOR MR MEHUL SHARAD SHAH(773) for the
 Petitioner(s) No. 1,2,3,4,5,6,7,8,9

MR NIKUNJ KANARA AGP for the Respondent(s) No. 1,2,3

NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
 PRACHCHHAK**

Date : 04/05/2026

JUDGMENT

1. RULE returnable forthwith. Mr. Nikunj Kanara, learned AGP for the respondents waives service of notice of rule on behalf of the respondents.

2. With the consent of the learned counsel for the respective parties, the present petition is taken up for final hearing today.

3. Present petition is filed by the petitioner under Article 226 of the Constitution of India read with the provisions of The Indian

Registration Act, 1908 and Gujarat Registration Rules, 1970 seeking following reliefs:

“(A) To admit and allow this petition;

(B) to issue a writ of Certiorari and/or any other appropriate writ, order or direction in the nature of Certiorari, quashing and setting aside the impugned order dated 07.10.2025 (Received on 18.12.2025) (Annexure-A) passed by respondent No. 1 District Registrar cum Collector, Valsad in cancelling the registered sale deed dated 11.08.2023 and be further pleased to restrain the City Survey Office, Vapi, from certifying any entry (Annexure-H (Colly)) on the basis of the order dated 07.10.2025 (Annexure-A) passed by Respondent No.1 herein.

(C) Pending admission, hearing and/or final disposal of this petition, Your Lordships may be pleased to stay the execution, operation and implementation of the impugned order 07.10.2025 (Received on 18.12.2025) (Annexure-A) passed by respondent No.1 - District Registrar cum Collector, Valsad.

(D) Pending admission, hearing and/or final disposal of this petition, Your Lordships may be pleased to restrain City Survey Superintendent, Vapi, respondent No.3 herein from making any City Survey entry on the basis of the order dated 07.10.2025 (Annexure-A) passed by the District Registrar cum Collector and also be pleased to direct him not to delete name of the petitioners which was mutated in the City Survey record (Annexure-D) on the basis of the registered sale deed dated 11.08.2023 (Annexure-C);

(E) to pass such other and further orders as may be expedient and necessary in the circumstances of the case.”

4. Heard Ms Aesha Gandhi, learned counsel appearing on behalf of Mr Mehul Sharad Shah, learned counsel for the

petitioners and Mr. Nikunj Kanara, learned AGP for the respondents.

5. Ms. Gandhi, learned counsel has submitted that the impugned order passed by the respondent no.1 is illegal, unjust, arbitrary, erroneous and contrary to the facts and material on record and the provisions of the Act and therefore, is required to be quashed and set aside. She has submitted that the impugned order was passed without giving any opportunity to the petitioner and therefore, it is in violation of the principles of natural justice and the impugned order is bad in the eye of law. She has submitted that the document was registered in the year 2023 wherein some rectification was required and therefore, Rectification Deed was executed on 07.10.2023 before the concerned authority. She has submitted that after two years of rectification of document, the concerned authority has raised objection; however, without considering the facts and without going into the merits, the impugned order was passed by the respondent no.1. Over and above the contentions raised in the memo of petition, Ms. Gandhi, learned counsel has urged that the impugned order passed by the respondent no.1 is required to be quashed and set aside and the present petition is required to be allowed.

6. As against that, learned counsel Mr. Nikunj Kanara, learned AGP appearing for the respondents, has opposed the present petition and submitted that there is no any infirmity or any illegality in the impugned order passed by the respondent authority and therefore, no interference is required to be called for in the present petition. He has submitted that the impugned

order passed by the respondent authority is in consonance with the settled principles of law and is passed after following due procedure and therefore, the same is required to be confirmed and the present petition is required to be dismissed.

7. I have heard the learned counsel for the respective parties and perused the materials placed on record. I have also considered the impugned order passed by respondent no.1. It appears that respondent no.1 while exercising jurisdiction under section 68(2) of The Registration Act, cancelled the registered sale deed dated 11.08.2023 of the petitioner vide order dated 07.10.2025. It appears that the registered sale deed required some rectification and hence, a Rectification Deed was executed however, respondent no.1 has not taken cognizance of the same. It appears that respondent no.1 has passed the impugned order without considering the facts and without going into the merits of the case and also without hearing and according an opportunity to the petitioners.

8. Considering the aforesaid facts and circumstances of the case, I am of the opinion that the matter is required to be remanded back to respondent no.1 for fresh decision and the petition deserves to be allowed.

9. In view of the above, present petition is allowed. The impugned order passed by respondent no.1 is quashed and set aside. The matter is remanded back to the respondent no.1 for fresh decision. The respondent no.1 shall hear and decide the matter, after considering the contentions/submissions agitated by the petitioner, as expeditiously as possible, preferably within

a period of four months from the date of receipt of copy of writ of this order. It is open for the concerned parties to raise all the contentions available in the eye of law and the respondent no.1 shall decide the matter in accordance with law and without being influenced by the order passed in the earlier proceedings after hearing the petitioners and the parties to the proceedings shall co- operate with the concerned authority for deciding the matter in a time bound manner and shall not seek any unnecessary adjournment. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HEMANT M. PRACHCHHAK,J)

ANUSRI