

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17826 of 2025**

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BHARATBHAI RAMESHBHAI ALGOTAR & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR VIRAT G POPAT(3710) for the Petitioner(s) No. 1,2,3

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

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVALI**Date : 23/12/2025****ORAL ORDER**

1. Heard Mr. Virat G. Popat, learned advocate appearing for the petitioner.

2. By way of present petition, the petitioner herein has challenged the issuance of the impugned notice, dated 15.12.2025, being Daban/Reg.no.4/V/12/2025 in colorable exercise of powers under Section 61 of the Gujarat Land Revenue Code, 1879, qua the petitioner's property for land bearing plot No.41 admeasuring about 997 sq. mtrs. situated at land bearing City Survey No.N.A.222/41, village : Thangadh, Ta. Thangadh, Dist. : Surendranagar.

3. Mr. Popat, learned advocate submitted that the said

notice duly produced at Annexure -E, page 48 to the petition, is issued for such alleged unauthorized occupation. It is submitted that the petitioner herein is owner and occupier of the property-in-question by way of a registered sale deed; having purchased the land-in-question from its predecessor in title – Kiritbhai Vora on 07.07.2022, which has also attained finality. It is submitted that the petitioner herein is paying property tax and electricity bill of the land-in-question. It is submitted that the said notice is issued with a malafide intention pursuant to the dispute with the respondent No.2; having stated in the FIR lodged by the Deputy Mamlatdar. It is also stated that with a malafide intention such notice is issued to the petitioner, which was affixed on the petitioner's premise on 16.12.2025 at 4.00 AM and the house of the petitioner's father was demolished at 10:00 am on the same day i.e. 16.12.2025. It is submitted that the aforesaid exercise is completely illegal, arbitrary and unjustified. It is submitted that the said notice is beyond jurisdiction; having issued to the petitioner, who purchased the land-in-question and which is of private ownership of the petitioner. It is submitted that in absence of any encroachment on the government land, such notice issued to the petitioner itself is overreaching the

powers.

4. The submissions made by Mr. Virat G. Popat, learned advocate appearing for the petitioner, prima facie, requires consideration.

5. Issue **Notice** making it returnable on **05.02.2026**.

In the interregnum period, let there be interim relief in terms of paragraph 21(B), till the next returnable date.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

NEHA