

ITEM NO.35

COURT NO.6

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).14402-14403/2021

(Arising out of impugned judgment and order dated 25-02-2021 in R/LPA No. 1901/2017 25-03-2021 in MCA (review) No. 1/2021 in R/LPA No.1901/2017 passed by the High Court Of Gujarat At Ahmedabad)

LALUBHA FATESING WAGHELA THROUGH HIS LEGAL HEIRS Petitioner(s)

VERSUS

THE COLLECTOR & ANR. Respondent(s)

(IA No.116115/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-03-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) M/S. Lawfic, AOR
Mr. M.S. Vishnu Sankar, Adv.
Mr. David Rao, Adv.
Mr. Sriram Parakkat, Adv.
Ms. Athira G Nair, Adv.
Ms. Viddusshi, Adv.
Mr. Aditya Santosh, Adv.
Ms. Anjali Singh, Adv.
Ms. Isha Singh, Adv.

For Respondent(s) Ms. Archana Pathak Dave, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. M.S. Vishnu Sankar, learned counsel appearing for the petitioner(s). Also heard Ms. Archana Pathak Dave, learned Senior Counsel appearing for the respondent(s).

2. There is no doubt that the land was of the agricultural category. When such land is converted into old tenure category, due permission is necessary for conducting non agricultural activity over such land. The order passed by the Collector, Kheda, Nandiad indicate that premium for

non-agricultural purposes has not been remitted nor permission is obtained from the competent officer by the purchaser. Moreover, construction of hotel was undertaken even before receiving permission from the competent officer.

3. In the above circumstances, relief was concurrently denied to the petitioners and the concerned land stood confiscated to the State, under the applicable law.

4. Considering the above, we see no merit in the Special Leave Petitions and the same are accordingly dismissed. The interim order of status quo passed on 04.10.2021, merges with this dismissal order.

5. Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR