IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 7939 of 2026

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JAMILSHA KADARSHAH SAIYYED

Versus

STATE OF GUJARAT & ANR.

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Appearance:
UMARFARUK M KHARADI(8155) for the Petitioner(s) No. 1
MR JAYNEEL PARIKH, AGP for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 10/06/2026

ORAL ORDER

1. Learned advocate for the petitioner tendered a draft amendment, which is taken on record. The amendment is deemed to be incorporated in the petition.

2. At the outset, learned advocate for the petitioner submits that he may be permitted to withdraw the prayer clause 15(B) impugning the order dated 23.03.2026 and that he may be granted liberty to challenge the same before the appropriate forum. Permission as prayed for, is granted with the aforesaid liberty.

3. Learned advocate for the petitioner submits that the petitioner is occupying the subject land along with the construction thereon since a period of 18 years. He submits

that the possession and construction thereon in the land is known to the Village Panchayat and the petitioner is paying taxes to the Village Panchyat. Learned advocate submits that the petitioner is also having electric connection. He further submits that Survey No. 408, on which the construction of the petitioner is located has other occupants as well. He submits that however no action was taken against them and the petitioner is being targeted. Learned advocate further submits that the petitioner has filed an application for regularization of his construction and occupation to the Collector, Bhuj on 30.05.2026 and the same has been received by the office on 01.06.2026 and the same is pending consideration. He submits that pending the adjudication of such application for his regularization, the Mamlatdar, Mandvi has issued notice under Section 202 of the Gujarat Land Revenue Code dated 04.06.2026. He submits that the application of the petitioner for regularization shall become infructuous if the said notice is executed. Learned advocate therefore submits that appropriate orders be passed.

4. Learned Assistant Government Pleader Mr. Jayneel Parikh appearing on behalf of the respondents submits that the petitioner was issued due notice under Section 61 of the Gujarat Land Revenue Code. Case No. 69 of 2025 came to be registered, the petitioner has filed his reply and was duly

represented by the learned Advocate in the said proceedings. Learned AGP submits that after taking into consideration the reply of the petitioner, a reasoned order has been passed by the Mamlatdar. He submits that the principles of natural justice has been followed. It has been found that the petitioner is in unauthorized occupation of the Government land and construction thereupon is also illegal. He submits that the impugned order is just and proper. He also submits that pursuant to the order dated 23.03.2026, now notice under Section 202 of the Gujarat Land Revenue Code has also been issued to the petitioner for vacating the unauthorized occupation. In respect of the regularization application, which is pending consideration before the learned Collector, learned AGP submits that the same shall be decided within a period of three weeks.

5. Heard learned advocates for the parties, perused the documents and averments on record.

6. It is the contention of the learned advocate for the petitioner that the petitioner's application for regularization of his occupation shall be rendered infructuous, if the notice under Section 202 of the Gujarat Land Revenue Code is executed. Having regard to the factual situation and in the interest of justice, the following directions are passed :

(i) The Collector, Kachchh to consider the case of the petitioner for regularizing his occupation on the property in question being land bearing Revenue Survey No. 408 of Village- Shirva, Taluka Mandvi, as expeditiously as possible within a period of three weeks from today.

(ii) Till the Collector, Kachchh decides the application of the petitioner which is pending before him, proceedings under Section 202 of the Gujarat Land Revenue Code for execution of order dated 23.03.2026 shall remain stayed.

(iii) The Collector while considering the application for regularization shall not be influenced by any of the observations made in the order dated 23.03.2026 and whereas the Collector shall decide the application appropriately strictly in accordance with law and in accordance with the extant policy of the State Government.

7. It would be open for the petitioner to avail appropriate remedy under the law against order dated 23.03.2026 and whereas it is clarified that this Court has not opined in any manner whatsoever as regards the merits of the order dated 23.03.2026.

8. The present petition stands disposed of. It is clarified

that this Court has not gone into the merits of the case and no opinion is expressed thereon in respect of the regularization application.

Direct service Today is permitted.

(ANIRUDDHA P. MAYEE, J.)

SALIM/

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOHAMMAD SALIM(HC01108), STENO GR II, at High Court of Gujarat on 10/06/2026 16:17:50