IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8053 of 2026

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LAKHUBHAI SAJAN KODIYATAR

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR KEYUR JALDEEP SHAH(14552) for the Petitioner(s) No. 1
MS DHRUTI R. MAKADIA(19676) for the Petitioner(s) No. 1
MR PRASHANTKUMAR R SHARMA(8591) for the Petitioner(s) No. 1
MS DEVANSHIBA RANA AGP for the Respondent(s) No. 1,2,3,4

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

Date : 15/06/2026

ORAL ORDER

1. **Rule** returnable forthwith. The learned AGP waives service of notice of rule for the respondent Nos.1 to 3.

2. By the present Special Civil Application, the petitioner is praying for a direction to stay the execution or quash the notice dated 09.06.2026 issued by the respondent No.3 Mamlatdar, Porbandar.

3. The learned counsel for the petitioner submits that the respondent No.3 Mamlatdar has issued the notice dated 09.06.2026 calling upon the petitioner to remove the encroachment on government waste land bearing survey No.1064 on 15.06.2026. The said notice is impugned in the present writ petition. He submits that pursuant to the order under Section 61 of the Gujarat Land Revenue Code dated 07.01.2025 and the notice under Section 202 of the Land Revenue Code dated 23.01.2025, the petitioner has preferred

the application for regularization of his encroachment to the respondent No.2 Collector, Porbandar on 09.07.2025. He submits that the same is pending consideration. A copy of the same is also annexed to the petition as Annexure-B. He submits that if the impugned notice dated 09.06.2026 is executed, the application for regularization preferred by the petitioner almost one year back shall be rendered infructuous. He submits that appropriate orders may be passed.

4. The learned AGP appearing for the respondent authorities submits that in the present case, the petitioner has encroached an area of 9091 sq.mtrs. on government waste land bearing survey No.1064, Village Bharwada, Taluka Porbandar, District Porbandar. He submits that the respondent authorities have also followed due process of law. The petitioner was served with the notice under Section 61 and thereafter, hearing the petitioner, the order came to be passed on 07.01.2025 directing the petitioner to remove the encroachment on the government waste land. She submits that the petitioner has not preferred any appeal against the said order under Section 61 of the Land Revenue Code. She submits that the said order has become final and thereafter, the respondent authorities have also issued the notice under Section 202 of the Land Revenue Code. However, the petitioner has not removed the encroachment so far. She, therefore, submits that the impugned notice dated 09.06.2026 has been issued to the petitioner for removal of the encroachment on the government waste land at the cost of the petitioner. The learned AGP further submits that in respect of pending application of the petitioner for regularization of his encroachment, the same shall be decided expeditiously by the respondent No.2 Collector.

5. Considering the submissions and in the facts and circumstances of the present case, it appears that the petitioner has already preferred an application before the respondent No.2 Collector for regularization of his encroachment. The said application has been preferred on 09.07.2025. The said application is pending consideration till date and more than one year has passed. The respondent No.3 Mamlatdar has now issued the impugned notice for removing the encroachment pending regularization application.

6. In the considered opinion of this Court to serve the ends of justice, following directions are passed:

(i) The respondent No.2 Collector is directed to decide and adjudicate the application for regularization of the petitioner dated 09.07.2025 for the subject land in question within a period of four weeks after giving due hearing to the petitioner from the date of receipt of this order.

(ii) The respondent No.3 Mamlatdar shall not take any action on the impugned notice dated 09.06.2026 issued under Section 202 of the Land Revenue Code till the decision is taken by the respondent No.2 Collector on the regularization application of the petitioner.

(iii) It is clarified that this Court has not gone into the merits of the case and no opinion is expressed thereon. The application for regularization shall be decided on its own merits and in accordance with law and the extant policy of the State Government in this regard.

7. With the aforesaid direction, the Special Civil Application stands disposed of.

Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(ANIRUDDHA P. MAYEE, J.)

cmk

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRASHEKHAR MAHESHKUMAR KOSHTI(HC01066), Principal Pvt. Secretary, at High Court of Gujarat on 15/06/2026 18:55:30