

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7395 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BHIKHABHAI MOHANBHAI

Versus

KHIMJI RANCHHOD NOW DECEASED

Appearance:

1. Special Civil Application No. 7395 of 1996
MS KHYATI P HATHI for Petitioner No. 1-10
MR PJ VYAS for Respondent No. 1/1-1/8
MR BJ JADEJA for Respondent No. 2
MR HM JADEJA for Respondent No. 2-2/1
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CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 07/05/2004

ORAL JUDGEMENT

The petitioners have challenged the validity and legality of the order dated 24.6.1996 passed by the Gujarat Revenue Tribunal in Revision Application No. TEN.B.R.14/92. By virtue of the said order, the order dated 20.6.1991 passed by the Dy. Collector, Amreli, has been upheld.

2. The order passed by the Dy. Collector, Amreli, dated 20.6.91 in Remand Case No. 1/89-90 was not only challenged by the present petitioners before the Tribunal, but late Shri Khimji Ranchhod, whose heirs are respondents in this petition, had also challenged the said order of the Dy. Collector before the Tribunal by filing Revision Application No. TEN.B.R.11/91. Thus, two revision applications were filed against the order dated 20.6.91 passed by the Dy. Collector, Amreli.

3. The revision application filed by the petitioners had been dismissed as there was delay in filing the revision application, whereas the revision application filed by late Shri Khimji Ranchhod, being Revision Application No. TEN.B.R. 11/91, was heard on merits and was ultimately dismissed.

4. Against the common order passed in Revision Applications Nos. TEN.B.R. 11/91 & 14/92, two petitions were filed before this court. Heirs of late Shri Khimji Ranchhod filed Special Civil Application No. 4537/96, whereas another petition, the present petition, has been filed by the petitioners, who were formerly owners of the land in question, who sold the same to present respondent No. 2.

5. Special Civil Application No. 4537/96 has been heard on merits and the learned advocate appearing for the present petitioners was also heard in the said petition. Ultimately, after hearing the concerned advocates at length, Special Civil Application No. 4537/96 has been rejected on 7.5.2004.

6. The revision application, which was filed before the Tribunal by the present petitioners, had been dismissed on the ground of delay, but the petitioners, who were respondents in Special Civil Application No. 4537/96, were heard when Special Civil Application No. 4537/96 was decided. Looking to the fact that, in effect, an order passed by the Dy. Collector and the Tribunal have been challenged in both these petitions, and as one of the petitions has been rejected on merits, this petition also deserves rejection. In the

circumstances, for the reasons recorded in Special Civil Application no. 4537/96, this petition is also rejected.

7. It has been submitted by the learned advocates appearing for the parties that proceedings under sec. 84C of the Gujarat Tenancy and Agricultural Lands Act, 1948, are still pending. Needless to say that it would be open to the concerned parties to represent their case in the said proceedings.

The petition is, therefore, rejected. Rule is discharged with no order as to costs.

(A.R. Dave, J.)

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