

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 20950 of 2018**

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SADHU JAGDISHBHAI RATANDAS

Versus

STATE OF GUJARAT

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Appearance:

MR VINOD M GAMARA(5910) for the PETITIONER(s) No. 1

NILESH J GOSAI(7325) for the PETITIONER(s) No. 1

for the RESPONDENT(s) No. 2,3,4

MR JK SHAH, LD.AGP(99) for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE A.J.DESAI

Date : 31/01/2019**ORAL ORDER**

1. By way of the present petition under Articles 14, 21, 226 and 227 of the Constitution of India, the petitioner has prayed as under:

"9(A) Hon'ble Court be pleased to admit and allow this petition;

(B) Hon'ble Court be pleased to issue a writ of certiorari, or a writ in the nature of mandamus, or any other appropriate writ, order or direction for quashing and setting aside the impugned order passed by Respondent No.1 i.e. Special Secretary, Revenue (Dispute), Ahmedabad in No. MVV/JMN/RJT/23/2018 dated 29/10/2018 and also be pleased to direct to the revenue authority to restore the disputed land and

enter the name of the present applicant in revenue record of the disputed land in the interest of justice.

(C) Hon'ble Court be pleased to pending the hearing and final disposal of this petition, to stay the implementation, operation and execution of the impugned order passed by Respondent No.1 i.e. Special Secretary, Revenue (Dispute), Ahmedabad in No.MVV/JMN/RJT/23/2018 dated 29/10/2018 in the interest of justice;

(D) Hon'ble Court be pleased to grant such other and further relief(s) deemed fit in the interest of justice;"

2. After arguing the matter for sometime, Mr.Gamara, learned advocate appearing for the petitioner, under the instruction of the petitioner, states that the petitioner is from the scheduled tribe and therefore would like to avail benefit granted by the State of Gujarat to regrant of land, if breach is committed and if it is found by the State Authority that there are sufficient reason for committing the breach. Even otherwise, under certain resolutions, the petitioner would like to request the state authority to regrant the land.

3. In view of the above, following order is passed:

This petition is not entertained. However, it would be open for the petitioner to make representation/ application to the District Collector, Rajkot for regrant of the land in

question within a period of four weeks from today and shall produce all the relevant documents. District Collector, Rajkot shall decide the representation/ application in accordance with law and shall examine the applicability of the policies, under which, the members of the Scheduled Tribes were granted benefits.

4. With the above observation, this petition is disposed of. Direct service is permitted.

[A.J.DESAI,J.]

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