

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 7619 of 2024**

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**VASRAMBHAI DEVSIBHAI KUMBHAR
Versus
STATE OF GUJARAT & ORS.**

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Appearance:

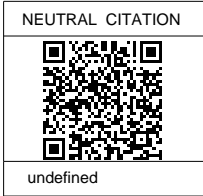
MR ANSHIN DESAI SENIOR ADVOCATE with MR RAKESH R
PATEL(3239) for the Petitioner(s) No. 1
for the Respondent(s) No. 2,3,4,5,6
MS SHRUTI PATHAK ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1
SAUMITRA CHATURVEDI(8369) for the Respondent(s) No. 7

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

**Date : 08/05/2024
ORAL ORDER**

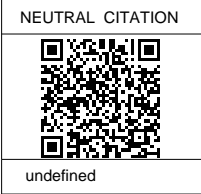
1. Heard learned senior advocate Mr. Anshin Desai with learned advocate Mr. Rakesh Patel appearing for the petitioner.
2. By way of this petition, the petitioner has challenged the interim order dated 15.4.2024 passed by the learned Special Secretary (Appeals) Revenue Department in Revision Application No. MVV/BKP/BNS/05/2024.
3. According to learned senior advocate Mr. Anshin Desai appearing for the petitioner, by way of impugned order dated 15.4.2024, without even



considering the petitioner's submissions and without assigning reasons as to why the petitioner's submissions are not acceptable, the authority has in a mechanical manner, only on the ground that if the stay is not granted, the respondent in this petition - original revisionist would suffer irreparable financial loss, has granted stay in favour of the contesting respondent i.e. respondent No.7.

4. Learned senior advocate Mr. Anshin Desai also submitted that in a proceedings wherein the N.A. permission is challenged, the Special Secretary (Appeals) Revenue Department ought not to have passed an order as the Special Secretary (Appeals) Revenue Department has passed an order restraining the petitioner to transfer or alienate the land as well.

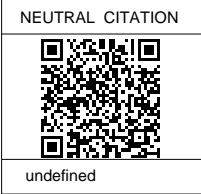
5. Learned advocate Mr. Saumitra Chaturvedi appearing for the respondent No.7 states that in fact, submission of learned senior advocate Mr. Anshin Desai is not correct. The stay was



granted after hearing both the parties as advocates for both the parties were present and rojkam to that effect was also recorded. Learned advocate Mr. Chaturvedi also submitted that the matter is kept for final hearing on 3.7.2024 and therefore, this Court may not interfere with the impugned order.

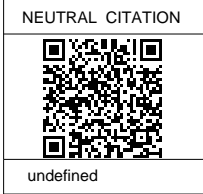
6. Learned Assistant Government Pleader Ms. Pathak appearing for the respondent - State placed on record the rojkam dated 12.4.2024 in the aforesaid revision application to indicate that both the sides were heard and stay was granted. Photocopy of the rojkam is taken on record.

7. Be that as it may, considering the fact that the order under challenge is an interim order, the Court suggested learned Assistant Government Pleader to inquire from the Special Secretary (Appeals) Revenue Department about any possibility of hearing the matter finally at an earlier date by preponing final hearing. Upon aforesaid suggestion, learned Assistant



Government Pleader Ms. Shruti Pathak inquired from the Special Secretary (Appeals) Revenue Department and submitted that Special Secretary (Appeals) Revenue Department is ready to hear the matter finally on 23.5.2024.

8. Considering the aforesaid submission of learned Assistant Government Pleader Ms. Shruti Pathak, when the Special Secretary (Appeals) Revenue Department has shown willingness to hear the matter finally at an earlier date, I don't see any reason to consider the submission of either party and to enter into the merits of the matter and interest of justice would be served if the Special Secretary (Appeals) Revenue Department is directed to hear and decide the revision application No. MVV/BKP/BNS/05/2024 finally within a period of one month from the date of hearing i.e. on 23.5.2024. At this juncture, it was pointed out by learned advocate Mr. Chaturvedi that his counterpart appearing before the Special Secretary (Appeals) Revenue



Department would be having some difficulty on 23.5.2024. However, on that day, the concerned advocate appearing before the Special Secretary (Appeals) Revenue Department, can always seek adjournment but in any case, the Special Secretary (Appeals) Revenue Department shall hear and decide the revision application No.MVV/BKP/BNS/05/2024 of the petitioner latest by 30.6.2024.

9. With the aforesaid observation and direction, without entering into the merits of the matter, the present petition is disposed of. Parties are directed to co-operate. It is open for the Special Secretary (Appeals) Revenue Department that if the Special Secretary (Appeals) Revenue Department finds that any of the parties are trying to seek adjournment just to prolong the proceedings, the Special Secretary (Appeals) Revenue Department may impose cost upon that party.

(NIRZAR S. DESAI, J)