

RAJUL
@ SHAHIBAUG

SABARMATI

SUBHASHI BRIDGE

RIVERFRONT ROAD

RIVERFRONT

AIRPORT ROAD

SHAHIBAUG
POLICE STATION

RAJASTHAN
HOSPITAL

SHAHIBAUG
UNDERBRIDGE

SHUKAN MALL

CALICO MUSEUM

SHAHIBAUG ROAD

RACHNA
SCHOOL

CIVIL HOSPITAL

POLICE
COMMISSIONER'S
OFFICE

DOMINOS
PIZZA

NAIMADASHANKAR ROAD





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As on 01/01/2019 12:50 PM

અરજી નંબર : 2019/388		મિલકત કાર્ડ		661	
જીલ્લો: અમદાવાદ		સિટી સરવે ઓફિસ: અમદાવાદ-૩		વોર્ડ: ટી.પી. ૮ અસારવા	
સિટી સરવે નંબર	ટી.પી નંબર	ફા.પ્લો.નં	ક્ષેત્રફળ(ચો.મી.)	સત્તા પ્રકાર	સરકાર ને ભરવાના આકાર અથવા ભાડા સંબધી અને ફેર આકારણી માટે પુરી થતી મુદત સંબધી વિગત
૪૯૭	8	38/1/1	2471.68	સી C	૩.1236
સત્તા પ્રકાર નું વર્ણન	ગુજરાત લેન્ડ રેવન્યુ કોડની ૧૮૭૯ની કલમ ૪૮ હેઠળ સરકારશ્રીને મહેસુલ ભરવાને પાત્ર જમીનો.				
પડોશ હક્ક					
ઇકવાયરી ઓફિસર ના ઈશવ ને આધારે સને 1997 માં હક્ક પ્રાપ્તિનો આધાર (શોધી શકાય તે પ્રમાણમાં)					
ધારણ કરનાર	નંદીનીબેન નરોત્તમભાઈ પદ્માબેન નરોત્તમભાઈ મમતાબેન નરોત્તમભાઈ પ્રતિકાબેન નરોત્તમભાઈ હકકો કેવી રીતે મળ્યા(મળી આવે ત્યાં સુધી)				
પટેદાર:					
બીજા બોજા:					
બીજા નોંધ:					
અનુક્રમ નંબર તારીખ	ફેરફારની વિગત	નવો ધારણ કરનાર(ધા) પટેદાર(મ) અથવા બીજા બોજાઓ(ઇ)		નિર્ણય (પ્રમાણિત,નામંજુર) સહી અને તારીખ	
5184 13/07/2017	અરજદારની અરજી સાથે રજુ થયેલ પદ્માબેન નરોત્તમભાઈના તા. 21/5/2017 ના રોજ મરણ પામ્યાના મરણના અસલ દાખલા આધારે નામ કમી કરી વારસદાર હેમત વિનય ભરતરામના તા. 3/7/2017 ના ફોટા સહિતના એફીડેવીટ આધારે હયાત વારસદારોના નામ દાખલ કર્યાની નોંધ કરી.	P - પૈકી ધારણકર્તા [સુમન્ત વિનય ભરતરામ] [હેમત વિનય ભરતરામ]		પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 11/12/2017	

અનુક્રમ નંબર તારીખ	ફેરફારની વિગત	નવો ધારણ કરનાર(ધા) પટેદાર(પ) અથવા બીજા બોજાઓ(ઇ)	નિર્ણય (પ્રમાણિત,નામંજુર) સહી અને તારીખ
5185 13/07/2017	અરજદારની અરજી સાથે રજુ થયેલ બીન અવેજી હક રીલીઝ ડીડ નં. 7821 તા. 17/5/2016 થી સદર ટી.પી.નં.-8 ફા.પ્લોટ નં.38/1 (260.00 ચો.મી.) 38/1/1 (2133 ચો.મી.) 38/1/2 (602.00 ચો.મી.) તથા 38/1/5 (602.00 ચો.મી.) ખાતા નં.-396 સીટી સર્વે નં.-497 સમગ્ર મિલકત પૈકી લખી આપનારા તથા કન્ક પાર્ટી ના પોષાતા હક્ક હિસ્સા વાળી મિલકતમાંથી સુમન્ત ભરતરામ તથા કન્કમીંગ પાર્ટી વિનય ભરતરામે પોતાનો પોષાતો હક્ક હિસ્સો હેમત વિનય ભરતરામની તરફેણમાં જતો કરતા અરજદારે અરજીમાં જણાવ્યા મુજબ સદર સી.સ.નં.497 માં રીલીઝ ડીડની ખરી નકલ આધારે હક્ક કમીની નોંધ કરી.	H - ધારણકર્તા [હેમત વિનય ભરતરામ તે સ્વ. પત્નાબેન નરોત્તમભાઈના વારસદાર]	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 17/12/2017
5186 15/07/2017	સદર સી.સ.નં. 497 માં દાખલ થયેલ વારસાઈ ફેરફાર નોં. 5184 તા. 13/7/2017 માં શરત ચુકથી પત્નાબેન નરોત્તમભાઈ ની મરણ તા.21/5/2017 લખેલ છે જે મરણના અસલ દાખલા આધારે સુધારી તા.21/5/2011 કરી, તથા વારસાઈના પુરાવાઓમાં મમતાબેન નરોત્તમભાઈ નું નામ 15/7/2017નું પેઢીનામું રજુ થયું તે નોંધ કરી.	H - ધારણકર્તા	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 05/01/2018
5874 15/11/2018	અરજદારની અરજી સાથે રજુ થયેલ રજુ.વે.દ.નોં.નં-૨૦૩૦૩ તા.૨૯/૧૦/૨૦૧૮ થી રૂ.૨૩,૨૭,૮૭,૯૫૬/- માં ટીપી-૮, ફા.પ્લોટ નં. ૩૮/૧, સીટીસર્વે નં. ૪૯૭ ની ૨૪૭૧.૬૮ ચો.મી. જમીન માં આવેલ ૪૨૧.૩૯ ચો.મી. બાંધકામવાળી મિલકત વેચાણ થતા વેચાણ આપનાર નંદીનીબેન નરોત્તમભાઈ, મમતાબેન નરોત્તમભાઈ, પ્રતિકાબેન નરોત્તમભાઈ, હેમત વિનય ભરતરામ નું નામ કમી કરી વેચાણ રાખનાર મે. લીલામણી ઈન્ફા. એ નામની ભાગીદારી પેઢીના ભાગીદાર પારસ મહેન્દ્રકુમાર વોરા નું નામ દાખલ કર્યાની નોંધ કરી.	H - ધારણકર્તા મે. લીલામણી ઈન્ફા. એ નામની ભાગીદારી પેઢીના ભાગીદાર પારસ મહેન્દ્રકુમાર વોરા	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 28/12/2018

સિટી સિવિલ એન્જીનિયર
“અમદાવાદ સિટી સર્વે ઓફિસ સદર”
બીમલકુમાર, જી.સી.સી. બાજુમાં,
નવા વાડજ, અમદાવાદ.

અનુક્રમણિકા નંબર - ૨

સબ-રજીસ્ટ્રાર કચેરી

એસ.આર.ઓ - 6 Naroda

ગામનું નામ : દરીયાપુર કાજીપુર

દસ્તાવેજનો પ્રકાર અને અવેજ (ભાડા પટાના કિસ્સામાં આકાર પટે આપનાર અથવા પટે રાખનાર આપે છે તે જણાવવું)	સર્વે નંબર પેટા વિભાગ નંબર અને ઘર નંબર ક્ષેત્રફળ આકાર અથવા જુડી આપવામાં આવે (જો કંઈ પણ હોય તો) ત્યારે તે.	દસ્તાવેજ કરી આપનાર પક્ષકારનું નામ અથવા દિવાની કોર્ટના હુકમનામા અથવા આદેશના સંબંધમાં પ્રતિવાદીનું નામ	દસ્તાવેજ કરી લેનાર પક્ષકારનું નામ અથવા દિવાની કોર્ટના હુકમનામા અથવા આદેશના સંબંધમાં વાદીનું નામ	સહીની તારીખ નોંધણીની તારીખ	અનુક્રમ, વોલ્યુમ અને પૃષ્ઠ નંબર	શેરો
માલિકી ફેરખત/વેચાણ રૂ. ૨૩૨૭૮૭૮૫૬=૦૮	ટી.પી. સ્કીમ નંબર - 8 ફાઇનલ પ્લોટ નંબર - 38/1 જેના પાટ (ફાઇનલ પ્લોટ નંબર - 38/1/1 રેવન્યુ રેકર્ડ મુજબ 2775 ચો.મી) સીટી સર્વે નંબર - 497 મુજબ 2471.68 ચો.મીની જમીનમાં આવેલ 421.39 ચો.મીના બાંધકામ વાળી મીલકત	Nandini Narottambhai Mamtaben Narottambhai Pratikshaben Narottambhai Hemant Vinay Bharatram	M/s Lilamani Infra A Partnership Firm Through Its Partner Shri Paras Mahendrakumar Vora	૨૮/૧૦/૨૦૧૮ ૨૮/૧૦/૨૦૧૮	૨૦૩૦૩	



મુકાબલ ફરનાર

ખરી નકલ

આર.એસ.પંચાલ ની તારીખ : ૨૮/૧૦/૨૦૧૮ ના રોજની

અરજી નંબર : ૨૫૩૮૫

પહોંચ નંબર : ૨૦૧૮૦૦૬૦૪૬૪૦૫

તારીખ : ૨૮/૧૦/૨૦૧૮

સબ-રજીસ્ટ્રાર

એસ.આર.ઓ - 6 Naroda

સબ-રજીસ્ટ્રાર

એસ.આર.ઓ - 6 Naroda

નોંધ: કોમ્પ્યુટર પ્રિન્ટમાં કોઈ પણ રીતે કરેલ સુધારો માન્ય ગણાશે નહીં.

રજીસ્ટ્રેશન પર્ષોય

પર્ષોય નંબર: ૨૦૧૮૦૦૬૦૪૬૩૨૦

દસ્તાવેજ નંબર: ૨૦૩૦૩

દસ્તાવેજ વર્ષ: ૨૦૧૮

તા: ૨૯

માહે: ઓક્ટોબર

સને: ૨૦૧૮

દસ્તાવેજનો પ્રકાર માલિકી ફેરબત/વેચાણ

અવેજ Rs. ૨૩૨૭૮૭૯૫૬.૦૦

રજુ કરનારનું નામ M/s Lilamani Infra A Partnership Firm Through Its Partner Shri Paras Mahendrakumar Vora

નીચે પ્રમાણે ફી પર્ષોયી

રૂ. પૈસા

રજીસ્ટ્રેશન ફી.....

૨૩૨૭૮૮૦

નકલ કરવા ની ફી સાઈડ / કોલીયો.....

૧૪૩૦

શેરોની નકલ કરવા માટે ફી.....

ટપાલ ખર્ચ.....

નકલો અથવા યાદીઓ (કલમ ૬૪ થી ૬૭).....

૦

શોધ અગર તપાસણી.....

દંડ કલમ-૨૫.....

કલમ-૩૪ (કલમ-૫૭).....

નકલ ફી કોલીયો.....

૦

ઈન્ડેક્સ-૨ ફી.....

આ સિવાયની બાબતોની ફી

ખાનગી મકાને જવાની ફી

૯૦

આ સિવાયની બાબતોની ફી કુલ એકંદરે રૂ.

૯૦.૦૦

કુલ એકંદરે રૂ.

૨૩૨૮૪૦૦

અંકે રૂપીયા ત્રેવીસ લાખ ઓગણત્રીસ હજાર ચારસો પુરા

દસ્તાવેજ

ના દિવસે તૈયાર થશે અને

નકલ

તે રજીસ્ટર ટપાલથી મોકલવામાં

કચેરીમાં આપવામાં

આવશે.

દસ્તાવેજ રજીસ્ટર ટપાલથી નીચેના સરનામે મોકલશે.

203 Shashwat Complex, Navrangpura Ahmedabad

(Vijaybhai Malubhai Patel)

સહ રજીસ્ટ્રાર

અમદાવાદ-૬- નરોડા

અગર

PMVora

ને આપશો

રજુ કરનારની સહી

IGR-NIC(G)

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NARODA-6

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20303/26

AHD-6/NRD

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2018

NUTAN NAGRIK SAHKARI
BANK LTD.
AHMEDABAD



1,14,06,700/-

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SPECIAL ADHESIVE

Rs. ≈ 2406700 ≈ 26.10.2018

363080

GUJRAT

GUJ/SOS/AUTH/AV/2/2005

INDIA

Two*Four*Zero*Six*Seven*Zero*Zero*

SERIAL No. 84822 DATE: 26/10/18
NAME OF THE PURCHASER :- Lilamani. Infra.
ADDRESS :- Navrangpura, Ahmedabad.

VALUE Rs. :- 1,14,06,700/-
LICENCE No. GUJ/SOS/AUTH/AV/2/2005/3860
NUTAN NAGRIK SAHKARI BANK LTD.
Kamdhenu Complex, Pasra Pole,
AHMEDABAD-380015.



DEED OF CONVEYANCE ON SALE

THIS DEED OF CONVEYANCE ON SALE made at Ahmedabad
this 29th day of October Two Thousand Eighteen BETWEEN

1. NANDINI NAROTTAMBHAI,
(PAN: AACPZ1438R),
(AADHAAR: 4002 8844 2061),
Address: "AMI", New Sharda Mandir Road, P. H. Jain Nagar,
Paldi, Ahmedabad,
2. MAMTABEN NAROTTAMBHAI,
(PAN: AAVPM9251C),
(AADHAAR: 8323 9522 6666),
Address: AMRAKUNJ, S. G. Highway, Near Karnavati Club
Makarba, Ahmedabad,
3. PRATIKSHABEN NAROTTAMBHAI,
(PAN: AAAPZ5937H),
(AADHAAR: 4160 3112 4337),
Address: "PRAKRUTI", Behind Panchvati Auto Garage, Near
Karnavati Club, Makarba, Ahmedabad,
4. HEMANT VINAY BHARATRAM,
(PAN: AAAPH 0246 H),
(AADHAAR: 8907 1514 1608),
Address: B/26, Westend Colony, Chanakya Puri, New Delhi,

hereinafter called as "THE VENDORS" (which expression shall unless
be repugnant to the context or meaning thereof be deemed to include the
respective heirs, legal representatives, executors and successors) of the

NUTAN NAGRIK SAHKARI
BANK LTD.
AHMEDABAD

GUJ/SOS/AUTH/AV/2/2005

INDIA

Stamp Duty

00000

SPECIAL ADHESIVE

26.10.2018

363080

GUJRAT

Nine*Zero*Four*Zero*Zero*Zero*Zero*



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One Part AND M/S. LILAMANI INFRA, (PAN: AAFL3228K), a Partnership Firm, represented through its Partner Shri Paras Mahendrakumar Vora, Address: 203, Shaswat Complex, Opp. HDFC House, Navrangpura, Ahmedabad, hereinafter called "THE PURCHASER" (which expression shall unless it be repugnant to the context or meaning thereof be deemed to include its partners as at present and from time to time and the heirs and legal representatives of the last surviving partner) of the Other Part.

A. WHEREAS

1. This Deed of Conveyance on Sale is with respect to land of Final Plot No. 38/1, part more particularly Final Plot No. 38/1/1, part (Final Plot No. 38/1/1 as per revenue record, admeasuring about 2775 Sq.mts.), of Town Planning Scheme No. 8, given City Survey No. 497, admeasuring about 2471.68 Sq.mts. of Ward T. P. 8 Asarva, City Survey Wadaj, Ahmedabad, situate at Dariapur-Kazipur (sim), Taluka Asarva, in the Registration District Ahmedabad and Sub District Ahmedabad - 6 (Naroda), and constructions standing thereon, consisting of bungalow, out-house, and other residential use developments, and more particularly described in the schedule hereunder written. (Hereinafter land, construction and developments shall be collectively referred to as the "Said Property"). Such construction of bungalow and residential developments were put up in 1960 and further revised in 1962.

B. AND WHEREAS

1. The land of Final Plot No. 38/1, admeasured about 5442.36 Sq.mts., (rounded of 5443), equivalent to about 6510 Sq.yds., ("Bigger Property") and was held by Ms. Nandini Narottambhai, Ms. Mamtaben Narottambhai, Ms. Pratikshaben Narottambhai, and Ms. Pannaben Narottambhai (Hereinafter referred to as the "Owners"). It is old revenue Survey No. 139/1.
2. The said land of Final Plot No. 38/1 was divided into five sub plots and internal road. Sub Division Plan is sanctioned by the



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Ahmedabad Municipal Corporation, dated 5th January, 1976, bearing No. 174/44, as per details below.

Final Plot No.	Area in Sq.mts.
38/1-1 (Sub Plot No. 1) (also described as 38/1/1)	2775.52 (rounded of to 2775)
38/1-2 (Sub Plot No. 2) (also described as 38/1/2)	601.78 (rounded of to 602)
38/1-3 (Sub Plot No. 3) (also described as 38/1/3)	601.78 (rounded of to 602)
38/1-4 (Sub Plot No. 4) (also described as 38/1/4)	601.78 (rounded of to 602)
38/1-5 (Sub Plot No. 5) (also described as 38/1/5)	601.78 (rounded of to 602)
Internal road (38/1)	260

3. Revenue record of the said Bigger Property at present also are as aforesaid of five separate Record of Rights. The Said Property under sale is part of Final Plot No. 38/1/1.

C. AND WHEREAS

1. The Urban Land (Ceiling & Regulations) Act, 1976 ("ULCR Act") came into force with effect from 17th February, 1976. Part of the said Bigger Property of 1781.12 Sq.mts., as then calculated ("Scheme Land") was applied for exemption and permission for development on 27th September, 1979 before the Competent Authority and Additional Collector, Ahmedabad under section 21 of the said ULCR Act. Such exemption / permission was granted as per Order of Competent Authority and Additional Collector, Ahmedabad, dated 14th July, 1981, bearing No. NVY/Scheme, 331/80. ("Scheme Order").
2. Scheme Land consisted of
Sub Plot No. 2, admeasuring about 601.78 Sq.mts. (rounded of to 602),
Sub Plot No. 5, admeasuring about 601.78 Sq.mts. (rounded of to 602),

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Internal Road, admeasuring about 260 Sq.mts. and Sub Plot No. 1/part, admeasuring about 317.52 Sq.mts. (rounded of to 317)

The transaction for sale and development of Scheme Land after the application for exemption and development made as aforesaid was arrived at between the Owners and Nakoda Park Co-operative Housing Society Ltd. (Registered on 21st October, 1982, Registered under No. GH-9816 of 1982) at the relevant time proposed, as the purchaser, and one M/S. Jirawala Construction as developer. The agreements for the same were entered into on 18th September, 1980.

4. Said Society also agreed to purchase from the Owners the land adjoining the Scheme Land, of said Sub Plot Nos. 3 and 4 each of 601.78 Sq.mts. for the purpose of development. Similar agreements for sale and development were entered into between the Owners and Society, all dated 18th September, 1980.
5. Said Scheme Land and said land of Sub Plot Nos. 3 and 4 sold to Society as aforesaid are fully and finally developed by Society as scheme of residential flats, consisting of four Blocks A, B, C and D, and other residential construction put up thereon, and allotted to members of the Society. Residential Flats since last more than thirty years are held and occupied by Society / its members for their residence.
6. However, subsequent thereto, said ULCR Act has been repealed with effect from 30th March, 1999 as per Urban Land (Ceiling & Regulations) Repeal Act, 1999, (said "ULCR Repeal Act"). As per Paripatra /Notification issued by the Government of Gujarat, Revenue Department, dated 15th April, 1999, bearing No. ULC-1099-602-V.1 and dated 30th November 2000, bearing No. ULC-2000-GOI-793-V.1, the said Scheme Land, in respect of which the Scheme was sanctioned as aforesaid under section 21 of the said ULCR Act is freed from terms / conditions and restrictions contained in the said Scheme / Order of 14th July, 1981. (Ref. C.1 above).

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7. This entire property of Society is included in City Survey and given City Survey Numbers 583 to 588; 498; 589 to 603. The remaining land / property is City Survey No. 497, the Said Property under sale herein. The property of City Survey No. 498, 589 to 603 is the property of the said Scheme Land granted permission under section 21 as stated above, area of which in City Survey is fixed 1797.50 Sq.mts. in place of area as per sanctioned scheme of 1781.12 Sq.mts. Copy of the City Survey Plan of Bigger Property is annexed herewith.

D. AND WHEREAS

1. Part of the said Bigger Property under the said ULCR Act from and out of the holding of Mamtaben Narottambhai, admeasuring about 642.45 Sq.mts. (rounded of 642 Sq.mts.) was declared as Excess Vacant Land as per the Order of Competent Authority and Additional Collector, Ahmedabad, dated 6th May, 1988 / 13th June 1998, bearing No. ULC/Unit-3/D.Ka./256. It was marked excess Vacant Land from the land of Final Plot No. 38/1/1, and this land was entered in the name of Government in the Revenue Record. (Ref. Revenue Entry No. 14767, dated 30th January, 1992).
2. Against the said Order, Appeal was preferred under section 33 of the said ULCR Act before the Urban Land Tribunal at Ahmedabad, bearing Appeal No. Ahmedabad 352 of 1988 by Mamtaben Narottambhai. However, the Appeal was dismissed as per Judgment of said Tribunal, dated 31st August, 1990.
3. Further Appeal / proceedings were preferred by Mamtaben Narottambhai before the Hon'ble Gujarat High Court by way of Special Civil Application No. 1403 of 1991. Also in the meantime, the ULCR Repeal Act came into force, and Mamtaben Narottambhai also claimed benefits under the ULCR Repeal Act. Appeal was also dismissed by the Hon'ble High Court as per its Judgment, dated 7th October, 2015.
4. Against the said Judgment of Single Judge, dated 7th October, 2015, Letters Patent Appeal was preferred before the Hon'ble Gujarat High Court by Mamtaben Narottambhai, being No. 1458



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of 2015. The same was allowed as per Judgment in Letters Patent Appeal, dated 1st December, 2016. Judgment of Hon'ble High Court of said Single Judge, dated 7th October, 2015 was set-aside in terms of para 19 and 20 thereof reproduced below. Accordingly, acquisition of land as excess Vacant Land of 642.45 Sq.mts. is set-aside.

Relevant para 19 and 20 of Judgment in Letters Patent

"19. For the reasons recorded above, this Letters Patent Appeal is allowed. Order of the learned Single Judge is set aside. Consequently, Special Civil Application No. 1403 of 1991 stands allowed by setting aside the order passed by the Primary Authority, viz. the Competent Officer & Additional Collector, Urban Land Ceiling, Ahmedabad, respondent no. 2 dated 06.05.1998 / 12.06.1988 in proceeding No. ULC/Uni-3/DK/256; and the order of the Appellate Authority, viz. Urban Land Tribunal at Ahmedabad in Appeal No. 352 of 1988 dated 31.08.1990. Consequently the proceedings initiated under Urban Land (Ceiling and Regulation) Act, 1976 stands abated in terms of section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. Further consequent changes made in the revenue records also stand quashed. No order as to cost."

"20. Consequently, the Civil Application is disposed of in the aforesaid terms."

5. Against the said Judgment in Letters Patent Appeal, Government preferred Review Application, being MISC CIVIL APPLICATION (FOR REVIEW) NO. 630 OF 2017. However the same is dismissed by the Hon'ble Gujarat High Court as per Oral Order, dated 2nd March, 2017.
6. The Government preferred Special Leave Petition against the said Judgment of Hon'ble Gujarat High Court in the said Letters Patent Appeal No. 1458 of 2015 and Review Application No. 630 of 2017 in the Supreme Court of India being Special Leave Petition (Civil) Diary No.(s) 38305/2017. The Hon'ble Supreme Court has also dismissed the Special Leave Petition as per its Order, dated

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15th December, 2017, "The Special Leave Petitions are dismissed on the ground of delay as well as on merits."

Accordingly, now no portion of the said Bigger Property is excess vacant land under the said Act. Effect of the Orders of the Hon'ble High Court in Letters Patent Appeal and Supreme Court are given effect in the revenue records as per Revenue Entry Nos. Nos. 19775, dated 15th March, 2017; 19787, dated 12th July, 2017; 19826, dated 16th February, 2018.

8. Said Judgment passed in Letters Patent Appeal, dated 1st December, 2016 became final, and Hon'ble Court also as per Oral Order, dated 22nd February, 2018 directed Government to carry out necessary corrections in revenue records within seven days. Revenue records have been corrected and land is re-entered – restored in the name of the Owners. (Ref. Revenue Entry No. 19832, dated 27th March, 2018).

E. AND WHEREAS

1. The said land of Final Plot No. 38/1/1, admeasuring about 2775 Sq.mts. prior to 1976 belonged to the said Owners and was registered in their name as per certification of Revenue Entry No. 7310, dated 22nd April, 1972 on the basis of Agreement and Sale Deed, dated 19th June, 1967, registered under Sr. No. 6466 referred to therein arrived at between the Owners and other family members of common ancestor as per details therein.
2. From and out of the Owners, Pannaben Narottambhai died on or about 21st May, 2011 and the names of her husband Vinay Bharatram and her two sons Sumant Vinay and Hemant Vinay were entered in the revenue records as per certification of Revenue Entry No. 19713, dated 29th April, 2016.
3. Said Sumant Vinay Bharatram joined by Vinay Bharatram released their share in favour of Hemant Vinay Bharatram, by a Deed of Release, dated 17th May, 2016, registered under Sr. No. 7821 read with Deed of Clarification-Cum-Confirmation-Cum-Rectification, dated 19th June, 2018, registered under Sr. No. 11369. (Ref.

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Revenue Entry Nos. 19739, dated 5th August, 2016 and 19842, dated 20th June, 2018).



Deed of Rectification-Cum-Clarification is to an effect that Release is from the entire property of Final Plot No. 38/1/1, which include for said land of 642 Sq.mts. for which proceedings were going on. Effect of Release Deed, dated 17th May, 2016 is given effect as per Mutation Entry No. 19739, dated 8th August, 2016. Effect of Rectification is given effect as per Mutation Entry Nos. 19841 and 19842, both dated 20th June, 2016.

5. Accordingly the Said Property is held by the Vendors, Nandiniben Narottambhai, Mamtaben Narottambhai, Pratikshaben Narottambhai and said Hemant Vinay Bharatram.

F. AND WHEREAS

1. The Vendors have agreed to sell the Said Property to the Purchaser, at or for the price or consideration of Rs. 23,27,87,956/- (Rupees twenty-three crores twenty-seven lacs eighty-seven thousand nine hundred fifty-six only), and with clear marketable title, free from all encumbrances.

G. AND WHEREAS

1. The Vendors as part of completion of sale have represented, assured and covenanted with the Purchaser as follows:-

- a) That the Vendors are absolutely entitled to the Said Property with clear and marketable title, free from all encumbrances, and no other person or persons has or have any right, title, interest, claim or demand of any nature whatsoever into or upon the Said Property by way of sale, mortgage, lease, exchange, gift, possession, inheritance, succession, maintenance, leave and license basis, caretaker basis, right of way, easement right, benami, guarantee, partnership, financier, developer, project consultant, organizer, trust, tenant or otherwise.

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- b) That the Said Property is not the subject matter of any litigation nor is attached in execution of any decree and that no acquisition proceedings are pending before any authority whatsoever in respect thereof.
- c) That the Vendors have not created any mortgage, charge, lien or any other encumbrance whatsoever and howsoever, in respect of the Said Property or any part thereof, and the same is not subject to any claim, demand, encumbrances, attachment or any processes issued by any Court or Authority.
- d) That the Vendors have not entered into any Agreement or Arrangement orally or written in respect of sale or any other transaction in respect of the Said Property with any person whomsoever.
- e) That the Vendors have not created any adverse rights or interests in respect of the Said Property whereby the Vendors are prevented from selling, transferring and conveying the Said Property in favour of the Purchaser with clear and marketable title.
- f) That no notice from any public body or authority or any notice under any law has been received or served upon the Vendors or any of them or any predecessors-in-title in respect of the Said Property or part thereof, which would prevent the Vendors from selling, transferring and conveying the Said Property with clear and marketable title.
- g) That there is no Injunction or any other Order from any Court, Tribunal, Collector, Revenue Authority, Urban Development Authority, Municipal Corporation or any direct or indirect Taxation Authority for any taxes or dues on account whereof the Vendors are disentitled to or restrained from selling, transferring or conveying the Said Property with clear and marketable title.
- h) That all rates, charges, taxes, outgoing, assessments, dues, etc., in respect of the Said Property payable to any Authority has been paid by the Vendors upto the date of execution of these presents.

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- i) Neither the Vendors nor any predecessors in title, nor anybody claiming from or under them nor any of them, have or has granted any right of way or easement or license or created any other rights to or in favour of any person or persons, firm or corporation, or in respect of the Said Property, and that no such right has become effective by prescription or otherwise howsoever, and that the owners or occupiers of adjoining land or their tenants or the public do not use or have lawful access to any part of the Said Property, for passing and repassing between any points within the Said Property.
- j) The Said Property is granted permission for Non Agricultural Use as per Order, dated 3rd February, 1960, bearing No. LND/P 3485. The same is valid and subsisting.
- k) That no legal, quasi-legal, administrative, arbitration, mediation, conciliation or other proceedings, claims, actions (including revenue for acquisition and Said Property ceiling proceedings) or governmental investigations or notifications of any nature are pending or, threatened against with respect to the Said Property or any portion thereof.
- l) That no compensation is received in respect of the Said Property from the Government or any other third party or entity, and has not delivered the possession of the Said Property to such third party or entity or the Government.
- m) That, if any litigation, disputes, encumbrance, claims or differences arise that have any adverse impact on the Said Property or any part thereof, on the transaction herein, the Vendors shall at their sole cost, settle any such disputes, litigations, claims or differences.
- n) That there is no order of attachment by Income Tax Authorities and/or by any other authorities under the law for the time being in force or any notice issued or likely to be issued under section 281 or any other provision of the Income Tax Act. There are no direct or indirect tax or other liabilities that could have the effect of creating any charge over the Said Property or any part

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thereof (statutory or otherwise) in favour of any person or Governmental Authority.



- o) No portion of the Said Property is forming part of the Scheme Land granted exemption and development permission as per said Scheme Order, dated 14th July, 1982. No actual and legal possession of the said land of 642 Sq.mts. as excess Vacant Land was taken from the Vendors at site. The Vendors on the date of this Conveyance are in actual, physical, vacant and peaceful possession at site of the Said Property entirely. The Said Property is fully demarcated, with compound wall and gate at site. There is no area – measurement or boundary dispute with Society or any other adjoining property owners or any authority under law or any other person whomsoever.
 - p) The Said Property is falling within Police Station, Shahibaug, and is not falling under Disturbed Area, and is not attracted by The Gujarat Prohibition of Transfer of Immoveable Property & Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991.
2. The Purchaser relying upon the aforesaid has requested the Vendors to execute Conveyance of the Said Property, more particularly described in the schedule hereunder written in favour of the Purchaser, which the Vendors have agreed, being these presents.

SALE

A. NOW THIS INDENTURE WITNESSETH AS FOLLOWS:

1. IN CONSIDERATION of the premises and IN FURTHER CONSIDERATION of the sum of Rs. 23,27,87,956/- (Rupees twenty-three crores twenty-seven lacs eighty-seven thousand nine hundred fifty-six only) paid on or before the execution hereof, being the full consideration agreed to be paid by the Purchaser to

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the Vendors (payment and receipt whereof, the Vendors do and each of them doth hereby admit and acknowledge and of and from every part thereof for ever acquit, release and discharge the Purchaser), the Vendors do and each of them doth hereby sell, grant, convey, transfer and assure unto the Purchaser the Said Property, more particularly described in the Schedule hereunder written, together with construction and other developments standing thereon, courts, yards, areas, compounds, ways, sewers, ditches, fences, trees, drainages, water-courses, plants, lights, liberties, privileges, easements, profits, advantages, rights, members and appurtenances whatsoever to the Said Property or any part thereof belonging or anywise appertaining to or with the same or any part thereof now or at any time heretofore usually held, used, occupied, and enjoyed therewith or reputed or known as part or member thereof and to belong or be appurtenant thereto, and together with all and every rights and claims in respect thereof, and ALSO TOGETHER WITH all deeds, documents, writings, vouchers and other evidences of title relating to the Said Property, more particularly described in the Schedule hereunder written, AND ALL THE ESTATE, right, title, interest, possession, benefit, claim and demand whatsoever at law and in equity of the Vendors in, to, out of or upon the Said Property or any part thereof TO HAVE AND TO HOLD all and singular the Said Property hereby sold, granted, conveyed and assured and intended or expressed so to be with their and every of their rights, members and appurtenances (Hereinafter collectively referred to as the "Said Premises") UNTO AND TO THE USE and benefit of the Purchaser for ever SUBJECT to the payment of all rates, taxes, assessments, dues and duties now chargeable upon the same or hereafter to become payable to the Ahmedabad Municipal Corporation, State of Gujarat or any other public body in respect thereof.

2. THE VENDORS do and each of them doth hereby for themselves, their successors and assigns covenant with the Purchaser THAT notwithstanding any act, deed, matter or thing whatsoever by the Vendors or any person or persons lawfully or equitably claiming by, from, through, under or in

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trust for them made, done, committed, omitted or knowingly or willingly suffered to the contrary, THEY, the Vendors now have in themselves good right, full power and absolute authority to sell, grant, release, convey and assure the Said Premises hereby sold, granted, released, conveyed and assured or intended so to be unto and to the use of the Purchaser.



THE VENDORS do and each of them doth hereby for themselves, their successors and assigns FURTHER COVENANT THAT it shall be lawful for the Purchaser from time to time and at all times hereafter peaceably and quietly to hold, enter upon, have, occupy, possess, enjoy, develop, construct, further sell, transfer, deal with and dispose of in any manner whatsoever the Said Premises hereby sold, granted, conveyed, transferred and assured with their appurtenances and receive the issues and profits thereof and of every part thereof to and for their own use and benefits, without any suit, lawful eviction, interruption, claim and demand whatsoever from or by the Vendors or by any person or persons lawfully or equitably claiming by, from, under or in trust for them.

4. THE VENDORS do and each of them doth hereby for themselves, their successors and assigns FURTHER COVENANT THAT THAT the Purchaser is free and clear and freely and clearly and absolutely acquitted, exonerated, released and for ever discharged or otherwise by the Vendors well and sufficiently saved, defended and kept harmless and indemnified of and from and against all former and other estate, title, charges and encumbrances whatsoever either already or hereafter had, made, executed, occasioned or suffered by the Vendors or by any other person or persons lawfully or equitably claiming or to claim, by, from, or under or in trust for them.

5. THE VENDORS do and each of them doth hereby for themselves, their successors and assigns FURTHER COVENANT THAT the Vendors having lawfully or equitably claiming any estate, right, title or interest at law or in equity in the Said Premises hereby sold, granted, conveyed,

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transferred or assured or any part thereof by, from, under or in trust for them, the Vendors shall and will from time to time and at all times hereafter at the request and cost of the Purchaser do and execute all such further and other lawful and reasonable acts, deeds, things, matters, conveyances and assurances in law whatsoever for better, further and more perfectly and absolutely granting and assuring unto and to the use of the Purchaser as shall or may be reasonably required by the Purchaser, its successors or assigns or its counsel in law for assuring the Said Premises and every part thereof hereby sold, granted, conveyed, transferred and assured unto and to the use of the Purchaser in the manner aforesaid.

B. NOW THIS INDENTURE FURTHER WITNESSETH that in consideration of the aforesaid premises and as per covenant for further assurances contained hereinabove, the VENDORS, jointly and each of them severally hereby irrevocably authorise, nominate, constitute and appoint Shri Paras Mahendrakumar Vora and Shri Shreyansh Mahendrakumar Vora, jointly and severally, Partner/s of the Purchaser, in their (Vendors) name and on their (Vendors) behalf and in all and every other capacities in which they may have or can be said to have in law, fact or equity share, right or interest in the Said Property, to do, execute and perform all acts, deeds, matters and things as the nature and circumstances may require or the Purchaser may deem fit.

- a) For more properly, legally, absolutely vesting the Said Property, more particularly described in the schedule hereunder written, in its favour as intended or expressed to be herein. To protect, defend, upgrade, complete and perfect title of the Vendors to the Said Property.
- b) To execute and register only in relation to this sale, conveyance and the Purchaser, any further or other Supplementary Agreements, Indentures, Deed of Rectification, Deed of Clarification, Documents, Papers and Writings in respect of the said property.
- c) To appear before the office of the appropriate Sub Registrar and also to admit execution thereof and to do all acts, deeds,

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matters and things as may be necessary or proper for registration thereof.



- d) To get the Said Property entered in the name of the said Purchaser in the City Survey records, revenue records, Town Planning Scheme Records, records of the Municipal Corporation, Urban Development Authority or any other land or property records maintained under the provisions of any law for the time being in force.

To commence, carry on or defend all actions, suits or other proceedings (including pending proceedings, if any) touching to the Said Property or any part thereof to protect, defend, support and complete the title of the said property.

- f) Generally to do any act, deed, matter or thing with respect to, touching to or concerning the Said Property.
- g) The Purchaser shall unconditionally and irrevocably indemnify and at all times keep indemnified, saved and harmless the Vendors thereof against all allegations, claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation attorneys' fees and costs) which arise out of, relate to or result from any act of the Attorney.

All or any of the aforesaid authorities shall be exercised by the Purchaser at its cost and expenses. All and every liabilities, responsibilities and consequences, arising on exercise of any of these powers and authorities shall belong to the Purchaser. The said powers and authorities are to support and supplement the sale effected and completed as stated hereinabove, and are not and shall not be construed to have been given for any sale or transfer in favour of any third party.

C. The Purchaser hereby declare that it has duly checked, verified and satisfied itself about the tile, and all relevant matters of the said property before entering into this Conveyance Deed and agrees that this Conveyance and Sale herein has been agreed to be final, and Purchaser shall not claim the refund of the sale consideration paid herein regarding

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the purchase of said property. This is without prejudice to other provisions of this Conveyance.

D. The Vendors simultaneously with the execution hereof have put the Purchaser in actual, physical, vacant and peaceful possession of the Said Property.

E. The Said Property is not falling under Disturbed Area and is not attracted by The Gujarat Prohibition of Transfer of Immoveable Property & Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991.

F. All stamp duty (present and future), registration charges, legal fees, and all other out of pocket expenses in respect of these presents have been agreed to be borne and paid by the Purchaser only.

IN WITNESS WHEREOF the Vendors have hereunto set and subscribed their hand and seal the day and year first hereinabove written.

:-THE SCHEDULE ABOVE REFERRED TO:-

ALL THAT piece or parcel of land or grounds, hereditaments and premises, situate at Dariapur-Kazipur (sim), Taluka Asarva, in the Registration District Ahmedabad and Sub District Ahmedabad – 6 (Naroda), bearing Final Plot No. 38/1, part more particularly Final Plot No. 38/1/1, part (Final Plot No. 38/1/1 as per revenue record, admeasuring about 2775 Sq.mts.), of Town Planning Scheme No. 8, given City Survey No. 497, admeasuring about 2471.68 Sq.mts. of Ward T. P. 8 Asarva, City Survey Wadaj, Ahmedabad, and constructions standing thereon, consisting of bungalow, out-house, and other residential use developments, in all aggregating to 421.39 Sq.mts., or thereabouts and bounded as follows, that is to say on or towards the

	As per Final Plot	As per City Survey
North	Final Plot No. 35	City Survey No. 209
South	Town Planning Scheme Road	Town Planning Scheme Road
East	Final Plot No. 38/2-1	City Survey No. 474
West	Final Plot No. 38/1-2 and 38/1-5	City Survey No. 498

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AND delineated with red colour boundary line on the plan annexed herewith as Annexure "A" Collectively.



SIGNED AND DELIVERED)
BY THE WITHIN NAMED:)

1. NANDINI
NAROTTAMBHAI

) N.P. Munshaw

2. MAMTABEN
NAROTTAMBHAI

) Mamata J. Mistry

3. PRATIKSHABEN
NAROTTAMBHAI

) Pratiksha N. Shale

4. HEMANT VINAY
BHARATRAM

) H. V. Bharatram

In the presence of :

)

C. J. Shale
H. V. Bharatram

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RECEIPT

RECEIVED the day and year first hereinabove written of and from the Purchaser herein the sum of Rs. 23,27,87,956/- (Rupees twenty-three crores twenty-seven lacs eighty-seven thousand nine hundred fifty-six only) as per particulars given in Annexure "B" hereto, being the full consideration – sale price as stated above.



WE SAY RECEIVED

K.P. Marshaw
Mamata J. Mistry
Praditshe. N. Shah.
H. Ram

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ANNEXURES INCLUDE FOLLOWINGS

1. PAN and Aadhaar of the parties.
2. Layout plan of Bigger Property ear-marking the property under sale, Scheme Land and other land of the Society.
3. City Survey Record of different parts of the Bigger Property, aggregating to Bigger Property and their final current area.
Judgment of Hon'ble Gujarat High Court, dated 7th October, 2015 in SCA No. 1403 of 1991.
Judgement of Hon'ble High Court of Gujarat, dated 1st December, 2016 in Letters Patent Appeal No. 1458 of 2015.
6. Judgment of Hon'ble Gujarat High Court, dated 2nd March, 2017 in Review Application No. 630 of 2017.
7. Order of Hon'ble Supreme Court of India, dated 15th December, 2017 in Special Leave Petition (Civil), Diary No.(s) 38305/2017.
8. Copy of Notification / Paripatra of Revenue Department, Government of Gujarat, dated 15th April, 1999, bearing No. ULC-1099-602.V.1.
9. Copy of Notification / Paripatra of Revenue Department, Government of Gujarat, dated 30th November, 2000, bearing No. ULC-2000-GOI-793-V.1.
10. Revenue Entry No. 19775, dated 15th March, 2017.
11. Revenue Entry No. 19787, dated 12th July, 2017.
12. Revenue Entry No. 19826, dated 16th February, 2018.
13. Revenue Entry No. 19832, dated 27th March, 2018.
14. Details of payment of consideration by Purchaser to Vendors.

AHD-6/NRD
20303-20143
2018

PHOTOGRAPHS OF PROPERTY AS PER SECTION 21
OF REGISTRATION ACT



Mamata J Misty
N.R. Munshaw

20

Hellam
P.M. Vora

Dr. Tealoksh N. Shah.



AHD-6/NRD
20303-21143
2018



POSTAL ADDRESS OF PROPERTY

Final Plot No. 38/1/1, City Survey No. 497, Dariapur-Kazipur, Taluka Asarva, District Ahmedabad.

Dalip Singh N. Shahi.

Mamata J. Mistry
VENDORS

N. P. Munshaw

FÖR, LILAMANI INFRA

PMVora

PARTNER
PURCHASER

AHD-6/NRD
203 03-22 143
2018

SCHEDULE AS PER SECTION 32 (A) OF REGISTRATION ACT.

VENDORS AFORESAID

1.

N. P. Munshaw
NANDINI NAROTTAMBHAI



2.

Mamata J. Mistri
MAMTABEN NAROTTAMBHAI



3.

Pratiksha N. Shah.
PRATIKSHABEN NAROTTAMBHAI



4.

Hemant
HEMANT VINAY BHARATRAM



AHD-6/NRD
203 03 23 143
2018

PURCHASER AFORESAID

FÖR, LILAMANI INFRA

P.M. Vora

PARTNER

M/S. LILAMANI INFRA

Through its Partner

Shri Paras Mahendrakumar Vora



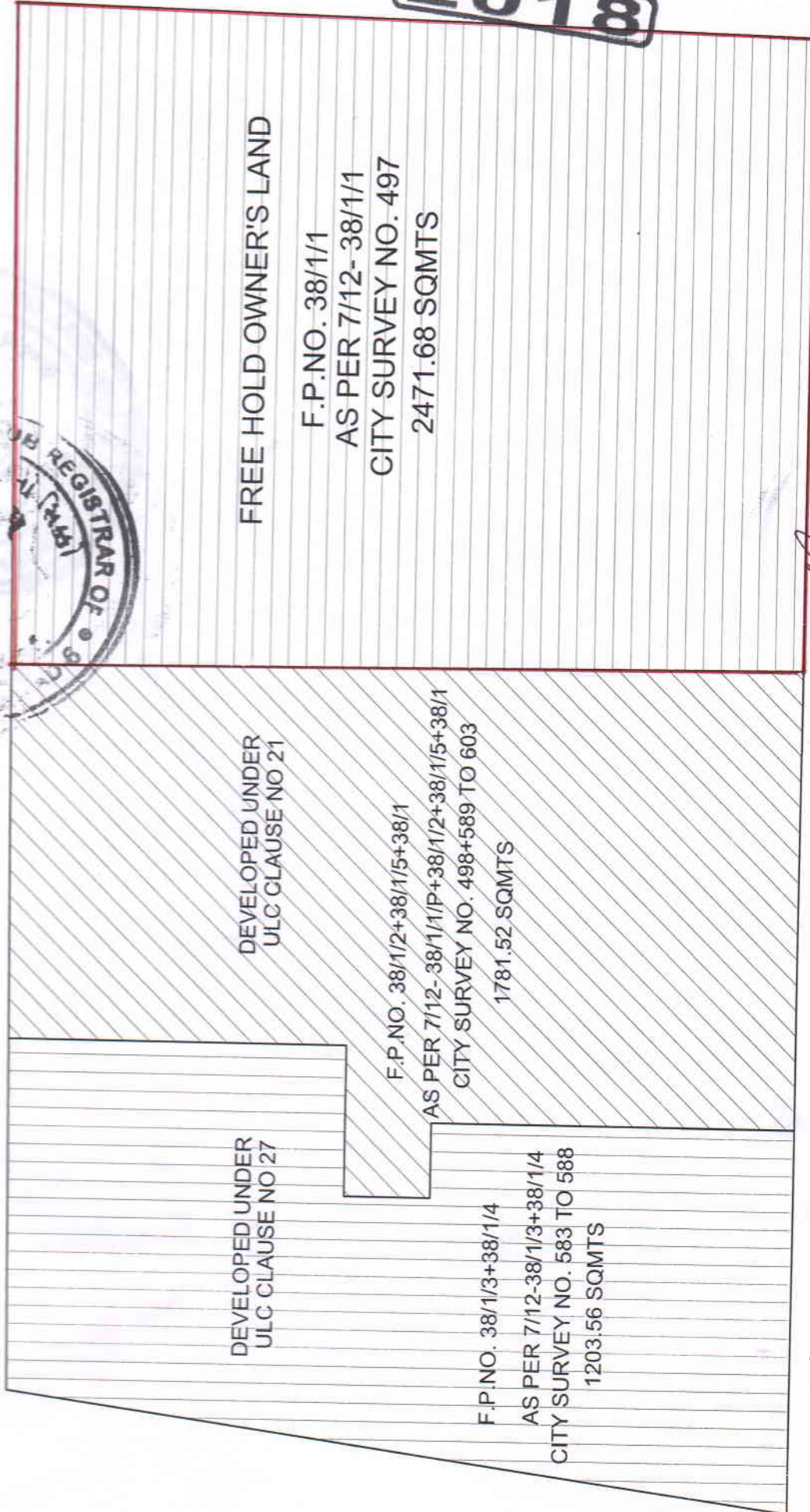
Shri
Paras Mahendrakumar Vora

20303

AHD-6/NRD

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2018



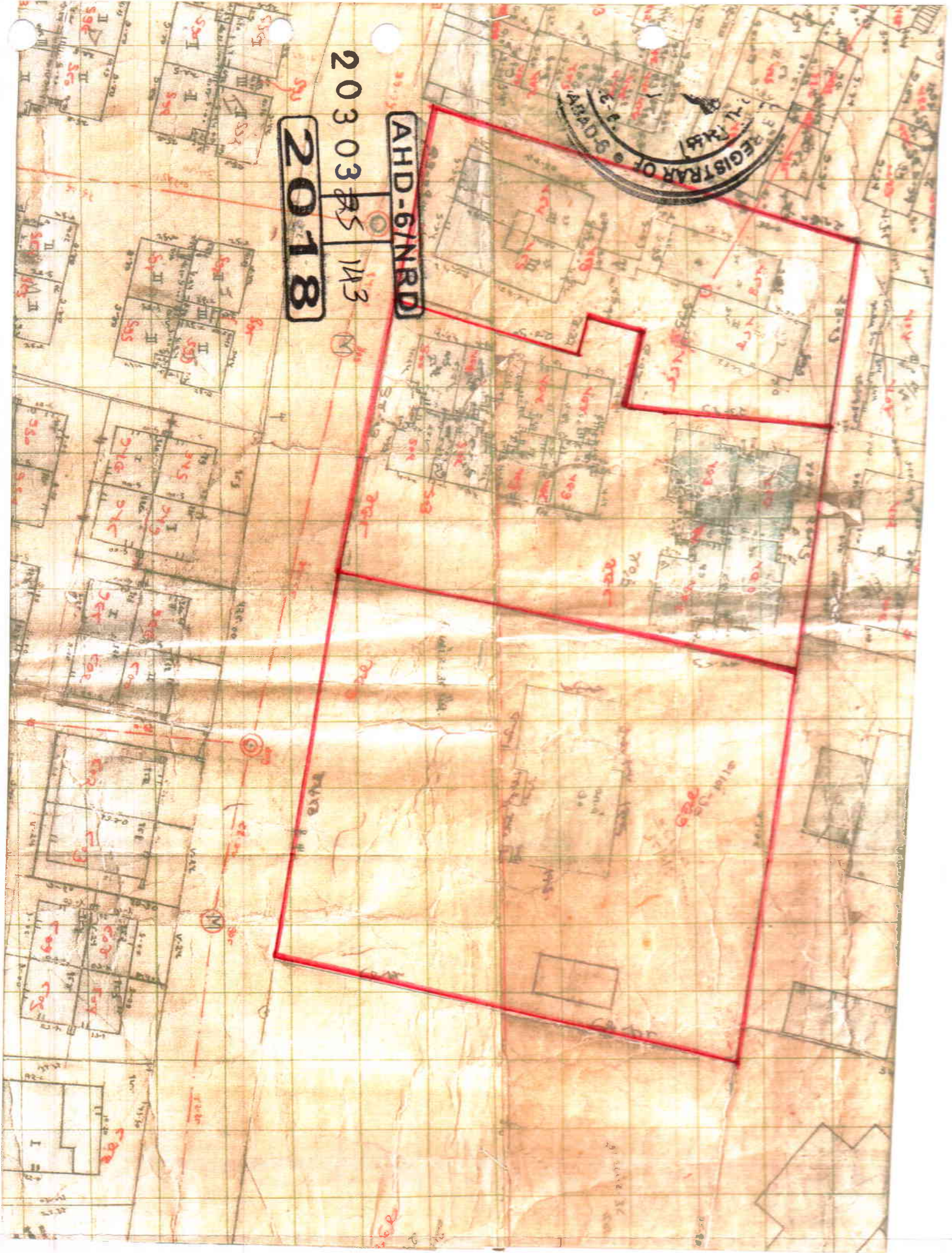
FOR, LILAMANI INFRA

P. M. M. M.

PARTNER

ROAD

Mamale J. M. M.
Shahid N. Shah.
N. P. M. M. M.



FOR, LILAMANI INFRA
PMVora,
PARTNER

N.P. Munshaw
Mamale f Mistry
Dialitsh. N. Shale.
H. Ram

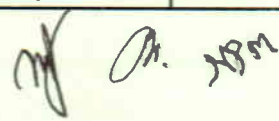


AHD-6/NRD
20303-27143
2018

ANNEXTURE - "B"

(PARTICULARS OF PAYMENT OF CONSIDERATION- SALE PRICE)

SR. NO.	AMOUNT	CHEQUE /DD NO.	DATE	DRAWN IN FAVOUR OF
1	2500000.00	135861	14/06/2018	MAMTA J. MISTRY
2	2500000.00	135862	14/06/2018	NANDINI P. MUNSHA
3	2500000.00	135863	14/06/2018	HEMANT BHARATRAM
4	2500000.00	135864	14/06/2018	PRATIKSHA N. SHAH
5	5000000.00	147854	29/06/2018	MAMTA J. MISTRY
6	5000000.00	147855	29/06/2018	NANDINI P. MUNSHA
7	5000000.00	147856	29/06/2018	HEMANT BHARATRAM
8	5000000.00	147857	29/06/2018	PRATIKSHA N. SHAH
9	5000000.00	147901	11/07/2018	MAMTA J. MISTRY
10	5000000.00	147902	11/07/2018	NANDINI P. MUNSHA
11	5000000.00	147903	11/07/2018	HEMANT BHARATRAM
12	5000000.00	147904	11/07/2018	PRATIKSHA N. SHAH
13	5000000.00	147909	17/07/2018	MAMTA J. MISTRY
14	5000000.00	147910	17/07/2018	NANDINI P. MUNSHA
15	5000000.00	147911	17/07/2018	HEMANT BHARATRAM
16	5000000.00	147912	17/07/2018	PRATIKSHA N. SHAH
17	10000000.00	147916	24/07/2018	MAMTA J. MISTRY
18	10000000.00	147917	24/07/2018	NANDINI P. MUNSHA
19	10000000.00	147918	24/07/2018	HEMANT BHARATRAM
20	10000000.00	147919	24/07/2018	PRATIKSHA N. SHAH
21	2500000.00	147930	01/08/2018	MAMTA J. MISTRY
22	2500000.00	147931	01/08/2018	NANDINI P. MUNSHA
23	2500000.00	147932	01/08/2018	HEMANT BHARATRAM
24	2500000.00	147933	01/08/2018	PRATIKSHA N. SHAH
25	10000000.00	147943	09/08/2018	MAMTA J. MISTRY






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20303-28/143
2018

ANNEXTURE - "B"

(PARTICULARS OF PAYMENT OF CONSIDERATION- SALE PRICE)

26	10000000.00	147944	09/08/2018	NANDINI P. MUNSHA
27	10000000.00	147945	09/08/2018	HEMANT BHARATRAM
28	10000000.00	147946	09/08/2018	PRATIKSHA N. SHAH
29	10000000.00	147953	18/08/2018	MAMTA J. MISTRY
30	10000000.00	147954	18/08/2018	NANDINI P. MUNSHA
31	10000000.00	147955	18/08/2018	HEMANT BHARATRAM
32	10000000.00	147956	18/08/2018	PRATIKSHA N. SHAH
33	7615019.00	148044	23/10/2018	MAMTA J. MISTRY
34	7615019.00	148045	23/10/2018	NANDINI P. MUNSHA
35	7615019.00	240830	26/10/2018	HEMANT BHARATRAM
36	7615019.00	240829	26/10/2018	PRATIKSHA N. SHAH
37	581970.00	TDS	26/10/2018	MAMTA J. MISTRY
38	581970.00	TDS	26/10/2018	NANDINI P. MUNSHA
39	581970.00	TDS	26/10/2018	HEMANT BHARATRAM
40	581970.00	TDS	26/10/2018	PRATIKSHA N. SHAH
TOTAL	232787956.00			

All the above Cheques/DD are issued from Bank of India- Memnagar Road Branch

TDS: Tax Deducted at Source (TDS) paid/to be paid to the Department of Income Tax under the Income Tax Act, 1961 and Purchaser to give necessary TDS Certificate for the same.

WE SAY RECEIVED

Mamata J. Mistry
Pratiksha N. Shah.
N.P. Munshaw
H. Ram



12000000000000697082



As on 09/10/2018 13:55 PM

અરજી નંબર : 2018/421351		મિલકત કાર્ડ		661	
જીલ્લો: અમદાવાદ		સિટી સરવે ઓફિસ: અમદાવાદ-૩		વોર્ડ: ટી.પી. ૮ અસારવા	
સિટી સરવે નંબર	ટી.પી નંબર	ફા.પ્લો.નં	ક્ષેત્રફળ(ચો.મી.)	સત્તા પ્રકાર	સરકાર ને ભરવાના આકાર અથવા ભાડા સંબધી અને ફેર આકારણી માટે પુરી થતી મુદત સંબધી વિગત
૪૯૭	8	38/1/1	2471.68	સી. ૮	૩.1236
સત્તા પ્રકાર નું વર્ણન	ગુજરાત લેન્ડ રેવન્યુ કોડની ૧૮૭૯ની કલમ ૪૮ હેઠળ સરકારીને મહેસુલ ભરવાને પાત્ર જમીનો.				
પડોશ હક્ક					
ઇકવાયરી ઓફિસ ના ઠરાવ ને આધારે સને 1997 માં હક્ક પ્રાપ્તિનો આધાર (શોધી શકાય તે પ્રમાણમાં)					
ધારણ કરનાર	નંદીનીબેન નરોત્તમભાઈ પન્નાબેન નરોત્તમભાઈ સુમતીબેન નરોત્તમભાઈ હેમતબેન નરોત્તમભાઈ કેવી રીતે મળ્યા (મળી આવે ત્યાં સુધી)				
પટેદાર:	દાવાદાર				
બીજા બોજા:					
બીજા નોંધ:					
અનુક્રમ નંબર તારીખ	ફેરફારની વિગત	નવો ધારણ કરનાર(યા) પટેદાર(મ)	નિર્ણય (પ્રમાણિત, નામંજુર) સહી અને તારીખ		
5184 13/07/2017	અરજદારની અરજી સાથે રજુ થયેલ પન્નાબેન નરોત્તમભાઈના તા. 21/5/2017 ના રોજ મરણ પામ્યાના મરણના અસલ દાખલા આધારે નામ કમી કરી વારસદાર હેમત વિનય ભરતરામના તા. 3/7/2017 ના ફોટા સહિતના એફીડેવિટ આધારે હયાત વારસદારોના નામ દાખલ કર્યાની નોંધ કરી.	P - પૈકી ધારણકર્તા સુમન્ત વિનય ભરતરામ હેમત વિનય ભરતરામ	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 11/12/2017		

AHD-6/NRD

20303

29/10/18

2018

PMV

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Ashok M. Patel

NOTARY

Date 20-10-2018

As On 09/10/2018

જીલ્લો: અમદાવાદ

અરજી નંબર 2018/421351

સીટી સરવે ઓફિસ: અમદાવાદ-૩

વોર્ડ: ટી.પી. ૮ અસા

અનુક્રમ નંબર તારીખ	ફેરફારની વિગત	નવો ધારણ કરનાર(ધા) પટેદાર(પ) અથવા બીજા બોજાઓ(ઇ)	નિર્ણય સહી અને તારીખ
5185 13/07/2017	અરજદારની અરજી સાથે રજુ થયેલ બીન અવેજી હક રીલીઝ ડીડ નં. 7821 તા. 17/5/2016 થી સદર ટી.પી.નં.-8 ફા.પ્લોટ નં.38/1 (260.00 ચો.મી.) 38/1/1 (2133 ચો.મી.) 38/1/2 (602.00 ચો.મી.) તથા 38/1/5 (602.00 ચો.મી.) ખાતા નં.-396 સીટી સર્વે નં.-497 સમગ્ર મિલકત પૈકી લખી આપનારા તથા કન્ક પાર્ટી ના પોષાતા હક્ક હિસ્સા વાળી મિલકતમાંથી સુમન્ત ભરતરામ તથા કન્કમાંગ પાર્ટી વિનય ભરતરામે પોતાનો પોષાતો હક્ક હિસ્સો હેમત વિનય ભરતરામની તરફેણમાં જતો કરતા અરજદારે અરજીમાં જણાવ્યા મુજબ સદર સી.સ.નં.497 માં રીલીઝ ડીડની ખરી નકલ આધારે હક્ક કમીની નોંધ કરી.	H - ધારણકર્તા હેમત વિનય ભરતરામ તે સ્વ. પત્નાબેન નરોત્તમભાઈના વારસદાર	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 17/12/2017
5186 15/07/2017	સદર સી.સ.નં. 497 માં દાખલ થયેલ વારસાઈ ફેરફાર નોં.નં. 5184 તા. 13/7/2017 માં શરત ચુકથી પત્નાબેન નરોત્તમભાઈ ની મરણ તા.21/5/2017 લખેલ છે જે મરણના અસલ દાખલા આધારે સુધારી તા.21/5/2011 કરી, તથા વારસાઈના પુરાવાઓમાં મમતાબેન નરોત્તમભાઈ નું તા. 15/7/2017નું પેઢીનામું રજુ થયું તે નોંધ કરી.	H - ધારણકર્તા	પ્રમાણિત PARMAR MANAHARKUMAR BABULAL (SIRESTEDAR) 08/01/2018

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2018



अध्यक्ष विभाग
TAX DEPARTMENT
BANDINI PRIYAKANT MUNSHAW
BOTTAM CHANDULAL ZAVERI
25/05/1936
Permanent Account Number
A/C PZ1438R
J. F. Kulkarni

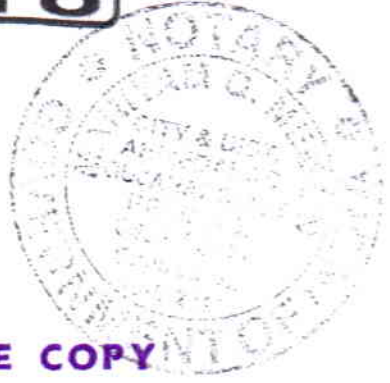
भारत सरकार
GOVT. OF INDIA



Mamata Pawlani



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20303-31 143
2018



TRUE COPY

Ashok M. Patel
NOTARY

Date 21-10-2018

PMV

Handwritten signatures and initials, including "NPM".



ભારત સરકાર
GOVERNMENT OF INDIA



અધિકારી નામ:
અધિકારી પદ:
અધિકારી વર્ગ:
અધિકારી સ્થાન:



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4002 8844 2061

અધિકાર - સામાન્ય માધ્યમો અધિકાર



Mamata Dhotam



ભારતીય વિશિષ્ટ ઓળખાણ અધિકારણ
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

અરજદાર
શ્રી પ્રિયકાંત મુનશ્વ અમી નવાશારદા
મોરેર રોડ પી એચ જૈન નગર, પાલ્ડી
અમદાવાદ શહેર પાલ્ડી અમદાવાદ
ગુજરાત

Address:
W/O Priyakant Munshaw, AMI,
New Sharada Madir Road, P.
H. Jain Nagar, Paldi,
Ahmadabad City, Paldi,
Ahmadabad, Gujarat. 380007

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Ashok M. Patel

Ashok M. Patel

NOTARY

Date 20-10-2018



P.O. Box No. 1947
Bengaluru-560 007

Mamata Dhotam

AHD-6/NRD
20303-38 143
2018

आयकर विभाग
INCOME TAX DEPARTMENT
MAMTA J MISTRY

भारत सरकार
GOVT. OF INDIA

NAROTTAM CHANDULAL JHAVERI

304/1948

Permanent Account Number
AAVPM9251C

Mamta J Mistry
Signature



23042018



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2018

AI



भारत सरकार
Unique Identification Authority of India
Government of India

नियुक्तीची नोंद / Enrollment No.: 1207/02202/00204

AHD-6/NRD

203 03 34 143

2018

ममता जितेंद्र मिश्री
Mamata Jitendra Mishry
W/O Jitendra Manilal Mishry
Anrakaraj S G Road
Near Karmavati Club Makarba, Vejalpur Ahmedabad
City
Ahmedabad
Gujarat 380058
9825030015



आधार नंबर / Your Aadhaar No. :

8323 9522 6666

आधार - सामान्य माहसनी अधिकार



भारत सरकार
GOVERNMENT OF INDIA



ममता जितेंद्र मिश्री
Mamata Jitendra Mishry
जन्म वर्ष / Year of Birth : 1948
स्त्री / Female

8323 9522 6666

आधार - सामान्य माहसनी अधिकार



Mamata J Mishry
Mamata Bhattacharya
K. J. Mani Shaw

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Ashok M. Patel

Ashok M. Patel

NOTARY

Date 27-10-2018



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AHD-6/NRD
2018



Pratiksha Navroshan

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Ashok M. Patel
Ashok M. Patel
NOTARY
Date 20-10-2018

[Handwritten signatures]



AHD-6/NRD

20303-36143

2018

भारत सरकार
GOVERNMENT OF INDIA

प्रतिक्षा नितिनभाई शाह
Pratiksha Nitinbhai Shah
DOB: 06-02-1944
Gender: Female

4160 3112 4337

आधार - आम आदमी का अधिकार



Pratiksha Nitinbhai Shah

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Ashok M. Patel

Ashok M. Patel

NOTARY

Date 27-10-2018

[Signature]

[Signature]



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20303

37 143

2018



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

W/O डी.नीतिनभाई सुमंतभाई शाह,
प्रकृति, पंचवटी ओटो गैरेज नी
पाछण बाय लेन मां, कर्नावली क्लब
नी पास, मकरवा, अमदावाड सीटी,
मकरवा, अमदावाड, गुजरात,
380051

Address:
W/o Dr. Nitinbhai Sumanth
Shah, Prakruti, B/h Pancharab
Auto Garage By Lane, Near
Karnavati Club, Makarba
Ahmedabad City, Makarba
Ahmadabad, Gujarat, 380051



1947
1800 300 1947

help@uidai.gov.in

www.uidai.gov.in

P.O. Box No. 1947
Bangalore - 560004

P. S. Narasimhan



आयकर विभाग
INCOME TAX DEPARTMENT



भारत सरकार
GOVT. OF INDIA

HEMANT BHARAT RAM

VINAY BHARAT RAM

16/10/1965

Permanent Account Number

AAAPH0246H

Signature: 



30032007

TRUE COPY 03



Ashok M. Patel
NOTARY

Date 27-10-2018

AHD-6/NRD

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2018





 NPM



भारत सरकार
Unique Identification Authority of India
Government of India

नार्मांकन क्रम/ Enrolment No.: 1119/67002/00248

To
हेमंत भरत राम
Hemant Bharat Ram
S/O Vinay Bharat Ram
1/30-A
Shanti Niketan
South Moti Bagh
Moti Bagh
South West Delhi Delhi - 110021
9810011793

Download Date: 03/08/2017

Generation Date: 31/08/2017



आपका आधार नम्बर है Your Aadhaar No. :

8907 1514 1608

मेरा आधार, मेरी पहचान



भारत सरकार
Government of India



हेमंत भरत राम
Hemant Bharat Ram
जन्म तिथि/DOB: 16/10/1965
पुरुष/ MALE

8907 1514 1608

मेरा आधार, मेरी पहचान



Government of India



सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन ऑथेंटिकेशन द्वारा प्राप्त करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
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S/O विनय भरत राम, 1/30-ए, शान्ति निवेदन, पश्चिम मोती बाग, पश्चिम दिल्ली, दिल्ली - 110021

8907 1514 1608

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Ashok M. Patel

Ashok M. Patel

NOTARY

Date 27-10-2018

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आयकर विभाग
INCOME TAX DEPARTMENT
LILAMANI INFRA



भारत सरकार
GOVT. OF INDIA



09/02/2012
Permanent Account Number
AAEFL3228K

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Ashok M. Patel

Ashok M. Patel

NOTARY

Date 27-10-2018

FOR, LILAMANI INFRA
PMVorel
PARTNER

MP
PM

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ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ
ભારત સરકાર
Unique Identification Authority of India
Government of India

નોંધણીની ઓળખ / Enrollment No 2141/43629/05751

To.
પારસ મહેન્દ્રકુમાર વોરા
Paras Mahendrakumar Vora
S/O: Mahendrakumar Vora
8/B
Kalyan Society
Opp Jain Temple Nagari Hospital Road, Mithakhali
Ahmedabad City
Ellisbridge Ahmedabad City Ahmedabad
Gujarat 380006
9601191515

28/10/2018

Ref: 104 / 03M / 156004 / 157187 / P


SB124446872FH



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5101 0248 8556
મારો આધાર, મારી ઓળખ

 ભારત સરકાર
Government of India


પારસ મહેન્દ્રકુમાર વોરા
Paras Mahendrakumar Vora
જન્મ તારીખ / DOB : 23/11/1981
પુરુષ / Male



5101 0248 8556
મારો આધાર, મારી ઓળખ

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Ashok M. Patel
Ashok M. Patel
NOTARY
Date 27-10-2018

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નિર્દેશ

- આધાર ઓળખનું પ્રમાણ છે, નાગરિકતાનું નહિ.
- ઓળખનું પ્રમાણ ઓનલાઇન ઓથેન્ટિકેશન દ્વારા પ્રાપ્ત કરો.

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C/SCA/1403/1991

CAV JUDGMENT

2018

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1403 of 1991



FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE C.L. SONI

Sd/-

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	No
2	To be referred to the Reporter or not ?	Yes
3	Whether their Lordships wish to see the fair copy of the judgment ?	No
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	No

MAMATABEN D/O NAROTTAM CHANDULAL ZAVERI

Versus

URBAN LAND TRIBUNAL AND EX-OFFICIO SECRETARY & 2

Appearance :

MR. NAVIN PAHWA, for THAKKAR AND PAHWA, ADVOCATES, ADVOCATE for the Petitioner
 MS NISHA M THAKORE, ASSTT GOVT PLEADER for Respondents.

CORAM: HONOURABLE MR.JUSTICE C.L. SONI

Date : 07/10/2015

CAV JUDGMENT

1. By the present petition filed under Article 227 of the Constitution of India, initially the order at Annexure-D dated 31.8.1990 passed by the Urban Land Tribunal ('Tribunal') in Appeal No.Ahmedabad-352 of 1988 was challenged with a further prayer to hold that the petitioner does not hold any excess vacant land. Before the Tribunal, the order dated 6.5.1988/ 13.6.1988 passed by the competent authority and the Deputy Collector, Urban Land Ceiling, Ahmedabad was challenged. The competent authority considered 1642.45 Sq. Mtrs. of land to be the holding of the petitioner and after allowing the petitioner to retain 1000 Sq. Mtrs. of land, it declared



642.45 Sq. Mtrs. vacant land as surplus land.

2. It appears that the petition was dismissed for non-prosecution somewhere in the month of December 1991. The petitioner, then preferred restoration application, being Misc. Civil Application No.2575 of 2011, which was allowed and the petition was ordered to be restored to file. It was thereafter the petitioner was permitted to amend the petition to add following further prayers being para 13(BB), (BBB) as well as 13(DD) and (DDD) :

(BB)

Your Lordships may be pleased to issue appropriate writ, order or direction and quashing and set aside the order dated 6.5.1998/ 12.6.1988 passed by the respondent no.2 as being illegal, unjust, arbitrary, and violative of Article 14 of the Constitution of India.

(BBB)

Your Lordships may be pleased to issue appropriate writ, order or direction declaring that the proceedings have stood abated in view of provisions of Urban Land (Ceiling and Regulation) Repeal Act, 1999 and no further action is permissible to be taken by the authority in respect of subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of final plot No.38 T.P. Scheme No.8 Dariapur Kaipur together with the construction thereon, in the interest of justice and equity.

(DD)

Your Lordships may be pleased to stay the implementation, operation and execution of the order dated 6.5.1988/ 12.6.1988 passed by respondent no.2 pending the admission, hearing and final disposal of this petition.

(DDD)

Your Lordships may be pleased to restrain the respondent authorities, their agents and servants from taking any coercive action in respect of the subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of Final Plot No.38 T.P. Scheme No.8, Dariapur Jazipur together with the construction thereon owned by the petitioner, pending the admission, hearing and final disposal of this petition.

The petitioner accordingly supplied the amended the petition.

3. The petitioner filled declaration form under Section 6(1) of the Urban Land Ceiling Act, 1976 (Act) declaring one- fourth share in the land bearing Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs. with

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construction thereon admeasuring 277.59 Sq.Mtrs., 80.26 Sq.Mtrs., 38.46 Sq.Mtrs. and 25.08 Sq.Mtrs. One-fourth share from 2775.52 Sq.Mtrs. of land shown is of 693.88 Sq.Mtrs. This land is shown to be situated at Dariapur-Kajipur. One-fourth share of one more of Dariapur-Kajipur Sub-Plot No.38-1-3, Final Plot No.38, Town Planning Scheme No.8, admeasuring 601.70 Sq.Mtrs. with construction thereon of 42.14 Sq.Mtrs. and 15.05 Sq.Mtrs. was declared. The other lands declared were land admeasuring 877.17 Sq.Mtrs. of Sub-Plot No.4, Final Plot No.240, Town Planning Scheme No.21 and shown to be situated at Paldi, land admeasuring 219.14 Sq.Mtrs. of sub-Plot No.11, Final Plot No.240, Town Planning Scheme No.21 and shown to be situated at Paldi, lands of equal measurements of Sub-plot Nos.2 and 9 respectively of Final Plot No.240 situated at Paldi area, lands admeasuring 43.47 Sq.Mtrs., 56.85 Sq. Mtrs., 1366.10 Sq.Mtrs., 16.72 Sq.Mtrs., 775.00 Sq.Mtrs. and 647.14 Sq.Mtrs., total of which would come to 2905.44 Sq.Mtrs. of different city survey numbers shown to be situated in Kalupur-3 and the land of Hansol of Town Planning Scheme No.8 admeasuring 6069.36 Sq.Mtrs. .

4. The competent authority while deciding the holding of the petitioner also considered the share of the petitioner in land bearing Sub-Plot No.38-1-2, 38-1-5 and 38-1-4, which were not declared by the petitioner in the declaration form. The total measurement of Final Plot No.38 of Town Planning Scheme No.8 situated at Dariapur-Kajipur was taken at 5442.99 Sq. Mtrs., of which the share of the petitioner was taken at 1360.74 Sq. Mtrs. of land and from the land of Kalupur, share of the petitioner was taken at 281.17 Sq. Mtrs. From 1360.74 Sq. Mtrs. of Dariapur-Kajipur, the competent authority allowed retainable land of 718.29 Sq. Mtrs. and declared open land of 642.45 Sq. Mtrs. as surplus land. The Kalupur land, i.e. 281.71 Sq. Mtrs. was allowed to be retained by the petitioner. The Tribunal has confirmed such order of the competent authority.

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5. After the petition was dismissed for non-prosecution, as stated above, and before it was restored in the year 2014, the Urban Land Ceiling Act, 1976 came to be repealed in 1999 by Urban Land (Ceiling & Regulation) Repeal Act, 1999 (Repeal Act).

6. At this stage, it is required to note that in the application seeking condonation of delay, being Civil Application No.5758 of 2012 filed with restoration application, the petitioner averred that she learnt about the disposal of the writ petition somewhere in the month of December 2010 when some officers from the office of the competent authority visited her residential property and threatened to dispossess her from the subject property and since she apprehended immediate threat, she filed Civil Suit No.1 of 2011 in the City Civil Court at Ahmedabad. It is further averred that in such suit, the Court Commissioner was appointed to draw panchnama of the subject property and the Court Commissioner's report was prepared on 4.2.2011 showing the entire property as constructed property and in occupation of the petitioner and her family members. While opposing the said application, the competent authority, in its affidavit-in-reply, stated that after issuing notification under Section 10(5) of the Act, on 8.2.1991, the respondent authority took possession of the land on 30.4.1991 by carrying out the panchnama.

7. As per the Repeal Act, proceedings of the present petition would abate. Learned advocate Mr. Pahwa appearing for the petitioner, therefore, submitted that by virtue of the Repeal Act, proceedings of the present petition abated, however, possession of the surplus land since was not legally taken, such possession would not be saved under Section 3 of the Repeal Act and the petitioner would be entitled to retain such possession of the land. Mr. Pahwa submitted that the possession stated to have been taken by drawing panchnama was not of vacant land as the land declared as surplus of Dariapur-Kajipur was fully constructed upon as back as in the year 1960 pursuant to the permission granted under the Town Planning



Act. Such construction since was before coming into force of the Act, there was no question of taking possession of such constructed property of the petitioner. Mr. Pahwa submitted that in any case, possession of the land shown to have been taken by panchnama cannot be said to be legally taken as mandatory requirement of issuing notice under Section 10(6) of the Act was not followed and thus, it cannot be said that de-facto possession of the land was taken from the petitioner.

8. As against the above arguments, learned Assistant Government Reader Ms. Thakore submitted that the competent authority declared vacant- open land admeasuring 642.45 Sq. Mtrs. as surplus land from the land of Dariapur-Kajipur bearing Final Plot No.38 Paiki. Ms. Thakore submitted that such order of the competent authority has become final and now it is not open to the petitioner to contend after a period of more than 22 years that what was declared as excess land was not vacant/ open land. Ms. Thakore submitted that as per the declaration made by the petitioner, the constructed properties have been well considered and excess land declared of 642.45 Sq. Mtrs. would not include any constructed property and therefore, it is not correct to say that the possession taken was not of the open land. Ms. Thakore submitted that the concerned authority followed due procedure before taking possession of the open surplus land under Sections 10(5) and 10(6) of the Act. Ms. Thakore submitted that the petitioner was served with notification under Section 10(5) of the Act asking her to deliver the possession of the excess land and putting her to notice that if the possession was not delivered, same would be taken forcibly by exercising the powers under Section 10(6) of the Act. The petitioner since did not surrender the possession of the surplus land after receipt of 10(5) notification, the concerned authority took possession of such land by exercising the powers under Section 10(6) of the Act by drawing panchnama and therefore, it cannot be said that possession of the surplus land from the

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petitioner was legally taken.

9. Having heard learned advocates for the parties, it appears from the order of the competent authority that the petitioner declared that she had one-fourth share in 2775.52 Sq. Mtrs. of land of Sub-plot No.38-1-1 of Final Plot No.38 situated at Dariapur-Kajipur and that four different constructions admeasuring 277.59 Sq. Mtrs., 80.26 Sq. Mtrs., 38.46 Sq. Mtrs. and 25.08 Sq. Mtrs., total 421.39 Sq. Mtrs. existed on the land of sub-plot No.38-1-1. Another constructed area shown was of 42.14 Sq. Mtrs. and 15.08 Sq. Mtrs. on land admeasuring 601.70 Sq. Mtrs. declared by her of Sub-plot No.38-1-3 of Final Plot No.38 of Dariapur-Kajipur. Here also, she claimed one-fourth share. Now, the competent authority found that the petitioner did not show other three sub-plots, being Nos.38-1-2, 38-1-5 and 38-1-4 in her declaration. The competent authority therefore considered these three different subplots with Sub-Plot Nos.38-1-1 and 38-1-3, and from total measurement (area) of 5442.99 Sq. Mtrs. of Final Plot No.38, it considered the share of the petitioner at 1360.74 Sq. Mtrs. From such share determined by the competent authority, the competent authority decided to allow the petitioner to retain 718.29 Sq. Mtrs. and to declare 642.45 Sq. Mtrs. vacant / open land as surplus land. It is pertinent to note that after considering the constructed property shown by the petitioner in her declaration form from Sub-plot Nos.38-1-1 and 38-1-3, open land admeasuring 642.45 Sq. Mtrs. was declared as surplus land. Total constructed areas of land of Dariapur-Kajipur as declared by petitioner on two sub-plots would come to 421.39 Sq. Mtrs. Mr. Pahwa, therefore, was not right to submit that the total constructed area shown by the petitioner on the land of Dariapur-Kajipur would match with the land admeasuring 642.45 Sq. Mtrs., declared as surplus land. It clearly appears from the order of the competent authority that the competent authority has declared only vacant/ open land admeasuring 642.45 Sq. Mtrs.. Such issue finally concluded by the order of the competent authority and

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confirmed by the Deputy Collector in the year 1991 cannot be allowed to be re-opened after a period of more than 22 years on the ground that the possession of the land shown to have been taken by panchnama was not of vacant land but of constructed properties. It appears that to make an attempt to show that the possession of the land taken by the panchnama was not of vacant land, the petitioner preferred civil suit in the year 2011, wherein as per the order of the Civil Court, the Commissioner made report showing the site inspection of the land bearing Survey Nos. 139/1 Paiki and 138/1 Paiki to be exactly of measurement of 642.45 Sq. Mtrs. so as to match with the land declared as surplus vacant land. It was thereafter, the petitioner preferred restoration application to restore the present petition to file with application for condonation of delay making reference about filing of the civil suit preferred by the petitioner and not drawing panchnama by the Court Commissioner.

10. The Court finds that once the competent authority declared vacant /open land admeasuring 642.45 Sq. Mtrs. as surplus land and confirmed by the Tribunal, the panchnama drawn by the Court Commissioner in the civil suit filed almost after a period of more than 22 years cannot be considered to hold that the land declared as surplus was constructed property. In any case, the petitioner herself had shown in her declaration form the constructed property of Dariapur-Kajipur as of 421.39 Sq. Mtrs. and such constructed property was considered by the competent authority and therefore, it could not be said that what was declared surplus was not open land.

11. Mr. Pahwa however, raised legal contention that the possession of the land declared as surplus land was not legally taken. It is his contention that even after section 10(5) notification was issued to the petitioner and the petitioner had not voluntarily given possession of the land declared as surplus land and therefore, before forcibly taking possession of the land in exercise of powers, under Section 10(6) of the Act, notice to the petitioner was mandatorily required to be

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issued which was not issued and therefore, possession could not be said to be legally taken. The petitioner is therefore, entitled to retain possession of the land by virtue of Repeal Act.

12. For such purpose, Mr. Pahwa has relied on the decision of Hon'ble Supreme Court in the case of *State of Uttar Pradesh Vs. Hari Ram* reported in (2013)4 SCC 280.

13. In the case of *Hari Ram (supra)*, Hon'ble Supreme Court has held and observed in para 18 to 37, 41 and 42 as under:-

18. Legislature is competent to create a legal fiction, for the purpose of assuming existence of a fact which does not really exist. Sub-section (3) of Section 10 contained two deeming provisions such as "deemed to have been acquired" and "deemed to have been vested absolutely". Let us first examine the legal consequences of a 'deeming provision'. In interpreting the provision creating a legal fiction, the Court is to ascertain for what purpose the fiction is created and after ascertaining this, the Court is to assume all those facts and consequences which are incidental or inevitable corollaries to the giving effect to the fiction. This Court in *Delhi Cloth and General Mills Company Limited v. State of Rajasthan* held that what can be deemed to exist under a legal fiction are facts and not legal consequences which do not flow from the law as it stands.

19. James Lords Justice in *Ex-parte, Walton, In re, Levy* (1881) 17 Chance. D. 746 speaks on deeming fiction as:

"When a statute enacts that something shall be deemed to have been done, which in fact and in truth was not done, the Court is entitled and bound to ascertain for what purposes and between what persons the statutory fiction is to be resorted to".

20. In *Szoma v. Secretary of State for the Department of Work and Pensions*, Court held:

25..... it would be quite wrong to carry this fiction beyond its originally intended purpose so as to deem a person in fact lawfully here not to be here at all. The intention of a deeming provision, in laying down a hypothesis is that the hypothesis shall be carried so far as necessary to achieve the legislative purpose but no further.

21. Let us test the meaning of the expression "deemed to have been acquired" and "deemed to have been vested absolutely" in the above legal settings. The expression

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"acquired" and "vested" are not defined under the Act. Each word, phrase or sentence that we get in a statutory provision, if not defined in the Act, then is to be construed in the light of the general purpose of the Act. As held by this Court in *Organo Chemical Industries v. Union of India* that a bare mechanical interpretation of the words and application of a legislative intent devoid of concept of purpose will reduce most of the remedial and beneficial legislation to futility. Reference may also be made to the judgment of this Court in *Directorate of Enforcement v. Deepak Mahajan*. Words and phrases, therefore, occurring in the statute are to be taken not in an isolated or detached manner, it is associated on the context but are read together and construed in the light of the purpose and object of the Act.

22. This Court in *S. Gopal Reddy v. State of A.P.* held:

"12. it is well known rule of interpretation of statutes that the text and the context of the entire Act must be looked into while interpreting any of the expressions used in a statute. The Courts must look to the object, which the statute seeks to achieve while interpreting any of the provisions of the Act. A purposive approach for interpreting the Act is necessary."

23. In *Jugal Kishore Saraf v. M/s. Raw Cotton Co. Ltd.* Justice S.R. Das stated:

"6....The cardinal rule of construction of statutes is to read the statute literally that is, by giving to the words used by legislature their ordinary natural and grammatical meaning. If, however, such a reading leads to absurdity and the words are susceptible of another meaning the Court may adopt the same. But if no such alternative construction is possible, the Court must adopt the ordinary rule of literal interpretation."

24. The expression "deemed to have been acquired" used as a deeming fiction under sub-section (3) of Section 10 can only mean acquisition of title or acquisition of interests because till that time the land may be either in the ownership of the person who held that vacant land or to possess such land as owner or as a tenant or as mortgagee and so on as defined under Section 2(1) of the Act. The word "vested" has not been defined in the Act, so also the word "absolutely". What is vested absolutely is only the land which is deemed to have acquired and nothing more. The word "vest" has different meaning in different context; especially when we examine the meaning of vesting on the basis of a statutory hypothesis of a deeming provision which Lord Hoffmann in *Customs and Excise Commissioners v. Zielinski Baker and Partners Ltd.*, All ER at 11 described as "heroic piece of deeming".

25. The word "vest" or "vesting" has different meaning. Legal

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Glossary, published by Official Language (Legislative) Commission 1970 Edition at Page 302:

"Vest: 1. To give a person a legally fixed, immediate right or personal or future enjoyment of (an estate), to grant, endow, clothe with a particular authority, right of property, 2. To become legally vested; (T.P. Act.)

"Vesting order: An order under statutory authority whereby property is transferred to and vested, without conveyance in some person or persons;

26. Black's Law Dictionary (Sixth Edition) 1990 at page 1563:

"Vested: Fixed; accrued; settled; absolute; complete; Having the character or given the rights of absolute ownership; not contingent, not subject to be defeated by a condition precedent. Rights are "vested" when rights to enjoyment present or prospective has become property of some particular persons or persons as present interest; mere expectancy or future or contingent interest in property founded on anticipated continuance of existing laws does not continue "vested right" Vaughan v. Nadel; See also Accrue Vest and specific typed of vested interest infra."

27. Webster's Third New International Dictionary, of the English Language unabridged, Volume III S to Z at page 2547 defines the word "vest" as follow:

"vest" vest To place or give into the possession or discretion of some person or authority (the regulation of the waterways ?.. to give to a person a legally fixed immediate right of present or future enjoyment of (as an estate) (a deed that vests a title estate in the grantee and a remainder in his children),

(b) to grant endow, or clothe with a particular authority right or property ?.. to put (a person) in possession of land by the feudal ceremony of investiture ?.. to become legally vested (normally) title to real property vests in the holder of a property executed deed.)"

28. Vest/vested, therefore, may or may not include "transfer of possession" the meaning of which depends on the context in which it has been placed and the interpretation of various other related provisions.
29. What is deemed "vesting absolutely" is that "what is deemed to have acquired". In our view, there must be express words of utmost clarity to persuade a court to hold that the legislature intended to divest possession also, since the owners or holders of the vacant land is pitted against a statutory hypothesis. Possession, there is an adage "nine points of law" In Beedall v. Maitland Sir Edward Fry, while

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speaking of a statute which makes a forcible entry an indictable offence, stated as follows:

"this statute creates one of the great differences which exist in our law between the being in possession and the being out of possession of land, and which gave rise to the old saying that possession is nine points of the law. The effect of the statute is this, that when a man is in possession, he may use force to keep out a trespasser; but if a trespasser has gained possession, the rightful owner cannot use force to put him out, but must appeal to the law for assistance."

30.

Vacant land, it may be noted, is not actually acquired but deemed to have been acquired, in that deeming things to be what they are not. Acquisition, therefore, does not take possession unless there is an indication to the contrary. It is trite law that in construing a deeming provision, it is necessary to bear in mind the legislative purpose. The purpose of the Act is to impose ceiling on vacant land, for the acquisition of land in excess of the ceiling limit thereby to regulate construction on such lands, to prevent concentration of urban lands in hands of few persons, so as to bring about equitable distribution. For achieving that object, various procedures have to be followed for acquisition and vesting. When we look at those words in the above setting and the provisions to follow such as sub-sections (5) and (6) of Section 10, the words 'acquired' and 'vested' have different meaning and content. Under Section 10(3), what is vested is de jure possession not de facto, for more reasons than one because we are testing the expression on a statutory hypothesis and such an hypothesis can be carried only to the extent necessary to achieve the legislative intent.

Voluntary Surrender

31. The 'vesting' in sub-section (3) of Section 10, in our view, means vesting of title absolutely and not possession though nothing stands in the way of a person voluntarily surrendering or delivering possession. The court in *Maharaj Singh v. State of UP* and others while interpreting Section 117(1) of U.P. Zamindari Abolition and Land Reforms Act, 1950 held that 'vesting' is a word of slippery import and has many meanings and the context controls the text and the purpose and scheme project the particular semantic shade or nuance of meaning. The court in *Rajendra Kumar v. Kalyan (dead) by LRs.* held as follows:

"28,. We do find some contentious substance in the contextual facts, since vesting shall have to be a "vesting" certain. "To vest, generally means to give a property in." (Per Brett, L.J. *Coverdale v. Charlton*. *Stroud's Judicial Dictionary*, 5th edn. Vol. VI.) Vesting in favour of the unborn person and in the contextual facts on the basis of a

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subsequent ~~adoption~~ after about 50 years without any authorization cannot however but be termed to be a contingent event. To "vest", cannot be termed to be an executor devise. Be it noted however, that "vested" does not necessarily and always mean "vest in possession" but includes "vest in interest" as well."

32. We are of the view that so far as the present case is concerned, the word "vesting" takes in every interest in the property including de jure possession and, not de facto but it is always open to a person to voluntarily surrender and deliver possession, under Section 10(3) of the Act.
33. Before we examine sub-section (5) and sub-section (6) of Section 10, let us examine the meaning of sub-section (4) of Section 10 of the Act, which says that during the period commencing on the date of publication under sub-section (1), ending with the day specified in the declaration made under sub-section (3), no person shall transfer by way of sale, mortgage, gift or otherwise, any excess vacant land, specified in the notification and any such transfer made in contravention of the Act shall be deemed to be null and void. Further, it also says that no person shall alter or cause to be altered the use of such excess vacant land. Therefore, from the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made in sub-section (3), there is no question of disturbing the possession of a person, the possession, therefore, continues to be with the holder of the land.



Peaceful dispossession

34. Sub-section (5) of Section 10, for the first time, speaks of "possession" which says where any land is vested in the State Government under sub-section (3) of Section 10, the competent authority may, by notice in writing, order any person, who may be in possession of it to surrender or transfer possession to the State Government or to any other person, duly authorized by the State Government.
35. If de facto possession has already passed on to the State Government by the two deeming provisions under sub-section (3) to Section 10, there is no necessity of using the expression "where any land is vested" under sub-section (5) to Section 10. Surrendering or transfer of possession under sub-section (3) to Section 10 can be voluntary so that the person may get the compensation as provided under Section 11 of the Act early. Once there is no voluntary surrender or delivery of possession, necessarily the State Government has to issue notice in writing under sub-section (5) to Section 10 to surrender or deliver possession. Sub-section (5) of Section 10 visualizes a situation of surrendering and delivering possession, peacefully while sub-section (6) of Section 10 contemplates a situation of forceful

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dispossession.

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Forceful dispossession



36. The Act provides for forceful dispossession but only when a person refuses or fails to comply with an order under sub-section (5) of Section 10. Sub-section (6) to Section 10 again speaks of "possession" which says, if any person refuses or fails to comply with the order made under sub-section (5), the competent authority may take possession of the vacant land to be given to the State Government and for that purpose, force - as may be necessary - can be used. Sub-section (6), therefore, contemplates a situation of a person refusing or fails to comply with the order under sub-section (5), in the event of which the competent authority may take possession by use of force. Forcible dispossession of the land, therefore, is being resorted only in a situation which falls under sub-section (6) and not under sub-section (5) to Section 10. Sub-sections (5) and (6), therefore, take care of both the situations, i.e. taking possession by giving notice that is "peaceful dispossession" and on failure to surrender or give delivery of possession under Section 10(5), than "forceful dispossession" under sub-section (6) of Section 10.



37. Requirement of giving notice under sub-sections (5) and (6) of Section 10 is mandatory. Though the word 'may' has been used therein, the word 'may' in both the sub-sections has to be understood as "shall" because a court charged with the task of enforcing the statute needs to decide the consequences that the legislature intended to follow from failure to implement the requirement. Effect of non-issue of notice under sub-section (5) or sub-section (6) of Section 11 is that it might result the land holder being dispossessed without notice, therefore, the word 'may' has to be read as 'shall'.

Effect of the Repeal Act

41. Let us now examine the effect of Section 3 of the Repeal Act 15 of 1999 on sub-section (3) to Section 10 of the Act. The Repeal Act 1999 has expressly repealed the Act 33 of 1976. The Object and Reasons of the Repeal Act has already been referred to in the earlier part of this judgment. Repeal Act has, however, retained a saving clause. The question whether a right has been acquired or liability incurred under a statute before it is repealed will in each case depend on the construction of the statute and the facts of the particular case.
42. The mere vesting of the land under sub-section (3) of Section 10 would not confer any right on the State Government to have de facto possession of the vacant land unless there has been a voluntary surrender of vacant land before 18.3.1999. State has to establish that there has been

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a voluntary surrender of vacant land or surrender and delivery of peaceful possession under sub-section (5) of Section 10 or forceful dispossession under sub-section (6) of Section 10. On failure to establish any of those situations, the land owner or holder can claim the benefit of Section 3 of the Repeal Act. The State Government in this appeal could not establish any of those situations and hence the High Court is right in holding that the respondent is entitled to get the benefit of Section 3 of the Repeal Act.



14. Mr. Pahwa submitted that following the judgment in the case of *Hari Ram (supra)*, learned Single Judges of this Court in two different petitions have taken a view that before taking possession, under Section 10(6) of the Act, notice is required to be issued.

15. Learned Assistant Government Pleader Ms. Thakore however, relied on another decision of Hon'ble Supreme Court in the case of *State of Assam Vs. Bhaskar Jyoti Sarma and others* reported in (2015)5 SCC 321 and submitted that the decision in the case of *Hari Ram (supra)* was considered in the later judgment by Hon'ble Supreme Court and it is held that if possession was duly taken long back, question whether the possession was legally taken or not cannot be amenable for determination of the High Court under Article 226 of the Constitution of India. In the case of *Bhaskar Jyoti Sarma (supra)*, Hon'ble Supreme Court has held and observed in para 6 to 8 and 11 to 19 as under:-

6. We have heard learned counsel for the parties at considerable length. The Urban Land (Ceiling and Regulation) Act, 1999 repealed the Principal Act w.e.f. The date the State adopted the Repeal Act. In terms of a resolution passed under clause (2) Article 252 of the Constitution, the Repeal Act was adopted by the State of Assam w.e.f. 6th August, 2003. We may at this stage usefully extract Sections 2 and 3 of the Repeal Act which have a direct bearing on the questions that arise for our determination:

"2. Repeal of Act 33 of 1976 – The Urban Land (Ceiling and Regulation) Act, 1976, (hereinafter referred to as the principal Act) is hereby repealed.

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3. Saving. - (1) the repeal of the principal Act shall not affect -

(a) the vesting of any vacant land under sub-section (3) of Section 10, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority;

(b) the validity of any order granting exemption under sub-section (1) of Section 20 or any action taken thereunder, notwithstanding any judgment of any court to the contrary;

(c) any payment made to the State Government as a condition for granting exemption under sub-section (1) of Section 20.

(2) Where -

(a) any land is deemed to have vested in the State Government under sub-section (3) of Section 10 of the principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority; and

(b) any amount has been paid by the State Government with respect to such land then, such land shall not be restored unless the amount paid, if any, has been refunded to the State Government."

8. A bare reading of Section 3 (supra) makes it clear that repeal of the Principal Act does not affect the vesting of any vacant land under sub-section (3) of Section 10, possession whereof has been taken over by the State Government or any person duly authorised by the State Government in that behalf or by the competent authority. In the case at hand, the appellant claims to have taken over the possession of the surplus land on 7th December, 1991. That claim is made entirely on the basis of a certificate of handing over/taking over of possession, relevant portion whereof reads as under:

" Certificate of handing over/taking over possession

Today on this 7th December, 1991, we took over possession of 70.32 Are of acquired land as scheduled below vide order of the Deputy Commissioner, Kamrup's ULC Case No.343 dated 2-3-91 and as per Assam Gazette notification dated 1-1-87 in the case No.ULC343/76.

Schedule of land

xxx xxx xxx
xxx xxx xxx

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Received the possession
(Taken over possession unilaterally)

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Sd/-Illegible
Designation - SK (G)
Dated 7.12.1991

Given the possession
Designation
Dated 7.12.1991



Countersigned
Sd/-
Illegible
Circle Officer
Guwahati Revenue Circle"



8. Relying upon the above document it was strenuously argued on behalf of the appellants that actual physical possession was taken over from the erstwhile land owner as early as in December, 1991, no matter relevant official record does not bear testimony to any notice having been issued to the land owners in terms of Section 10, sub-section (5) of the Act. It was argued that so long as actual physical possession had been taken over by the competent authority title to the land so taken over stood vested absolutely in the State Government under Section 10(3) and could not be claimed back no matter the Principal Act stood repealed after such vesting had taken place. In support of the contention that actual physical possession had been taken over by the competent authority, the appellant places heavy reliance upon the fact that challenge to the proceedings under the Act mounted in Writ Petition No.2568 of 1992 by the purchasers of a part of the disputed land had failed right up to this Court and the allotment of a substantial part of the surplus land in favour of the 8 families affirmed. This, according to the appellant, proves that possession of the surplus land had indeed been taken over from the erstwhile owner in terms of proceedings held on 7th December, 1991.
11. Section 3 of the Repeal Act postulates that vesting of any vacant land under sub-section (3) of Section 10, is subject to the condition that possession thereof has been taken over by the competent authority or by the State Government or any person duly authorised by the State Government. The expression "possession" used in Section 3 (supra) has been interpreted to mean "actual physical possession" of the surplus land and not just possession that goes with the vesting of excess land in terms of Section 10(3) of the Act.
12. The question, however, is whether actual physical possession of the land in dispute has been taken over in the case at hand by the competent authority or by the State Government or an officer authorised in that behalf by the State Government.
13. The case of the appellant is that actual physical possession of the land was taken over on 7th December, 1991 no matter

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unilaterally and without notice to the erstwhile land owner. That assertion is stoutly denied by the respondents giving rise to seriously disputed question of fact which may not be amenable to a satisfactory determination by the High Court in exercise of its writ jurisdiction. But assuming that any such determination is possible even in proceedings under Article 226 of the constitution, what needs examination is whether the failure of the Government or the authorised officer or the competent authority to issue a notice to the land owners in terms of Section 10(5) would by itself mean that such dispossession is no dispossession in the eye of law and hence insufficient to attract Section 3 of the Repeal Act. Our answer to that question is in the negative.

14. We say so because in the ordinary course actual physical possession can be taken from the person in occupation only after notice under Section 10(5) is issued to him to surrender such possession to the State Government, or the authorised officer or the competent authority. There is enough good sense in that procedure inasmuch as the need for using force to dispossess a person in possession should ordinarily arise only if the person concerned refuses to cooperate and surrender or deliver possession of the lands in question. That is the rationale behind Sections 10(5) and 10(6) of the Act. But what would be the position if for any reason the competent authority or the Government or the authorised officer resorts to forcible dispossession of the erstwhile owner even without exploring the possibility of a voluntary surrender or delivery of such possession on demand. Could such use of force vitiate the dispossession itself or would it only amount to an irregularity that would give rise to a cause of action for the aggrieved owner or the person in possession to seek restoration only to be dispossessed again after issuing a notice to him. It is this aspect that has to an extent bothered us.
15. The High Court has held that the alleged dispossession was not preceded by any notice under Section 10(5) of the Act. Assuming that to be the case all that it would mean is that on 7th December, 1991 when the erstwhile owner was dispossessed from the land in question, he could have made a grievance based on Section 10(5) and even sought restoration of possession to him no matter he would upon such restoration once again be liable to be evicted under Sections 10(5) and 10(6) of the Act upon his failure to deliver or surrender such possession. In reality therefore unless there was something that was inherently wrong so as to affect the very process of taking over such as the identity of the land or the boundaries thereof or any other circumstance of a similar nature going to the root of the matter hence requiring an adjudication, a person who had lost his land by reason of the same being declared surplus under Section 10(3) would not consider it worthwhile to agitate the violation of Section 10(5) for he can well understand that



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even when the Court may uphold his contention that the procedure ought to be followed as prescribed, it may still be not enough for him to retain the land for the authorities could the very next day dispossess him from the same by simply serving a notice under Section 10(5). It would, in that view, be an academic exercise for any owner or person in possession to find fault with his dispossession on the ground that no notice under Section 10(5) had been served upon him.

16. The issue can be viewed from another angle also. Assuming that a person in possession could make a grievance, no matter without much gain in the ultimate analysis, the question is whether such grievance could be made long after the alleged violation of Section 10(5). If actual physical possession was taken over from the erstwhile land owner on 7th December, 1991 as is alleged in the present case any grievance based on Section 10(5) ought to have been made within a reasonable time of such dispossession. If the owner did not do so, forcible taking over of possession would acquire legitimacy by sheer lapse of time. In any such situation the owner or the person in possession must be deemed to have waived his right under Section 10(5) of the Act. Any other view would, in our opinion, give a licence to a litigant to make a grievance not because he has suffered any real prejudice that needs to be redressed but only because the fortuitous circumstance of a Repeal Act tempted him to raise the issue regarding his dispossession being in violation of the prescribed procedure.



17. Reliance was placed by the respondents upon the decision of this Court in Hari Ram's case (supra). That decision does not, in our view, lend much assistance to the respondents. We say so, because this Court was in Hari Ram's case (supra) considering whether the word 'may' appearing in Section 10(5) gave to the competent authority the discretion to issue or not to issue a notice before taking physical possession of the land in question under Section 10(6). The question whether breach of Section 10(5) and possible dispossession without notice would vitiate the act of dispossession itself or render it non est in the eye of law did not fall for consideration in that case. In our opinion, what Section 10(5) prescribes is an ordinary and logical course of action that ought to be followed before the authorities decided to use force to dispossess the occupant under Section 10(6). In the case at hand if the appellant's version regarding dispossession of the erstwhile owner in December 1991 is correct, the fact that such dispossession was without a notice under Section 10(5) will be of no consequence and would not vitiate or obliterate the act of taking possession for the purposes of Section 3 of the Repeal Act. That is because Bhabadeb Sarma-erstwhile owner had not made any grievance based on breach of Section 10(5) at any stage during his lifetime implying thereby that he had waived his



right to do so.

18. Mr. Goswamy drew our attention to a decision of this Court in State of Gujarat and Anr. V. Gyanaba Dilavarsinh Jadega (2013) 11 SCC 486 to argue that a Writ Court could also examine the question of dispossession as was the position in that case which too arose out of a proceeding under the Urban Land (Ceiling and Regulation) Act. This Court in that case remanded the matter back to the High Court to determine the question whether possession of the land had been taken over before the Repeal Act came into force. In the instant case the Single bench of the High Court had while dismissing the writ petition filed by the respondents relied upon the fact that the writ petition filed by the purchasers of a portion of the surplus land had been dismissed and the allotment of a portion of the surplus land in favour of separate family affirmed not only by the Division Bench of the High Court but also by this Court in a further appeal. The possession of land purports to have been taken over from the erstwhile owner in terms of proceedings dated 7th December, 1991. Inference drawn appears to be that if allotment of substantial part of the surplus land to the third parties has been affirmed, it only means that possession was indeed taken over for otherwise there was no question of allotting the land to third parties nor was there any question of such allottee-occupants using the same. We cannot, however, ignore the fact that the question of dispossession of the owner or the transferee was never agitated or determined by the High Court in the writ petition filed by the transferee. We could appreciate the argument if the issue regarding dispossession had been raised and determined by the Courts in the previous litigation. That was, however, not so, apparently, because the question of dispossession was not relevant in the proceedings initiated by the transferees who were challenging the vesting order on the ground of their having purchased the surplus land from the owner. That attempt failed as the Court found the sale in their favour to be void. The question of dispossession relevant to Section 3 of the Repeal Act thus never arose for consideration in those proceedings. It will, therefore, be much too farfetched an inference to provide a sound basis for either the High Court or for us to hold that dismissal of the writ petition filed by the purchasers in the above circumstances should itself support a finding that possession had indeed been taken over. Having said that we must hasten to add that even the Division Bench has while reversing the view taken by the single bench not recorded any specific finding to the effect that possession had actually continued with the erstwhile owner even after the vesting of the land under Section 10(3) and the proceedings dated 7th December, 1991.

19. In support of the contention that the respondents are even today in actual physical possession of the land in question



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reliance is placed upon certain electricity bills and bills paid for the telephone connection that stood in the name of one Mr. Sanatan Baishya. It was contended that said Mr. Sanatan Baishya was none other than the caretaker of the property of the respondents. There is, however, nothing on record to substantiate that assertion. The telephone bills and electricity bills also relate to the period from 2001 onwards only. There is nothing on record before us nor was anything placed before the High Court to suggest that between 7th December, 1991 till the date the land in question was allotted to GMDA in December, 2003 the owner or his legal heirs after his demise had continued to be in possession. All that we have is rival claims of the parties based on affidavits in support thereof. We repeatedly asked learned counsel for the parties whether they can, upon remand on the analogy of the decision in the case of Gyanaba Dilavarsinh Jadega (supra), adduce any documentary evidence that would enable the High Court to record a finding in regard to actual possession. They were unable to point out or refer to any such evidence. That being so the question whether actual physical possession was taken over remains a seriously disputed question of fact which is not amenable to a satisfactory determination by the High Court in proceedings under Article 226 of the Constitution no matter the High Court may in its discretion in certain situations upon such determination. Remand to the High Court to have a finding on the question of dispossession, therefore, does not appear to us to be a viable solution.



16. The Court finds that in the facts situation obtainable in the case on hand, the decision in the case of *Bhaskar Jyoti Sarma (supra)*, could be applied to decide the controversy and not the decision in the case of *Hari Ram (supra)* and the judgments rendered by learned Single Judge of this Court dated 31.3.2014 in Special Civil Application No.9814 of 1999 and in the case of *State of Gujarat Vs. Popat Jadav Patel Decd. Through Legal Heirs and Representatives and Anr.* reported in 2015(3) GLH (UJ) 1 as sought to be relied by Mr. Pahwa.

17. With the affidavit-in-reply filed on behalf of respondent No.2, documents showing different actions at different stages from declaration under Section 6(1) of the Act till taking of possession under Section 10(6) of the land in question are placed with copy of panchnama. The Copy of notice dated 8.2.1991 is placed at Annexure-R-8 issued under Section 10(5) of the Act. By this notice,

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the petitioner was asked to handover the possession of the land in question within 30 days to the authorized officer. It is further stated that if the petitioner failed to deliver the possession of the land in question, the possession shall be taken by necessary action under Section 10(6) of the Act and if found necessary, by using necessary force. The petitioner was thus further put to notice that within 30 days, if she did not handover possession of the land in question, possession of the land in question shall be taken by the Government ex-parte in her absence. In this notice, land in question of which the possession was to be taken is clearly identified by Final Plot No.38 Paiki of Town Planning Scheme No.8 Paiki of Dariapur- Kajipur village. The petitioner did not comply with such notice. It is stated that such notice was ever challenged by the petitioner. The petitioner thus accepted that the possession sought to be taken was of open land declared as excess of 642.45 Sq. Mtrs. of Final Plot No.38 Paiki of Dariapur-Kajipur village. Thus, the issue raised that the land, possession of which was taken under the panchnama, was not open land stood concluded and at this stage, after a period of more than 22 years, such issue cannot be permitted to be opened, that too with the help of the Court Commissioner's report drawn in the suit filed in the year 2011 before moving this Court for restoration of the main petition which stood dismissed for non-prosecution. In the panchnama dated 30.4.1991 at Annexure-R-9, annexed with the affidavit-in-reply, the land is clearly described and identified by four different boundaries. Such panchnama of taking possession of the land in question drawn on 30.4.1991 appears to have been signed by two different panchas. Therefore, it clearly appears that in presence of panchas, possession of the land in question was taken in a legal manner and taking of possession de-facto by drawing panchnama cannot be said illegally taken. Considering the notice dated 8.2.1991 at Annexure-R-8 issued to the petitioner, stating that if the petitioner failed to deliver possession of the land in question, the possession of the land in question shall be taken by taking necessary action under



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Section 10(6) in her absence, it could well be said that before taking possession of the land in question by drawing panchnama, the petitioner was put to notice for the action to be taken under Section 10(6) and therefore, the contention that requirement of issuing notice under Section 10(6) was not followed cannot be accepted. As held and observed by Hon'ble Supreme Court in the case of *Bhaskar Jyoti Sarma (supra)*, especially in para 17 of its judgment, the petitioner having not made any grievance based on Section 10(5) of the Act and since there was nothing inherently wrong in taking over the possession of the land in question, so as to affect either identity of the land or the boundaries thereof or any other circumstances of the similar nature going to the root of the matter which would require adjudication, the possession of the land taken in the year 1991 cannot be held to be illegally taken on the ground that requirement of serving notice under Section 10(6) was not followed.

18. In light of the above and for the reasons stated above, no relief could be granted to the petitioner. Hence, the petition is dismissed. Interim relief, if any, stands vacated.

Sd/-
(C.L.SONI, J.)



TRUE COPY

Ashok M. Patel
NOTARY
Date 27-10-2018

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[Signature]

[Signature] NPM

CLPA/1458/2015

CAY JUDGMENT

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO. 1458 of 2015

In

SPECIAL CIVIL APPLICATION NO. 1403 of 1991

With

CIVIL APPLICATION NO. 13196 of 2015

In

LETTERS PATENT APPEAL NO. 1458 of 2015

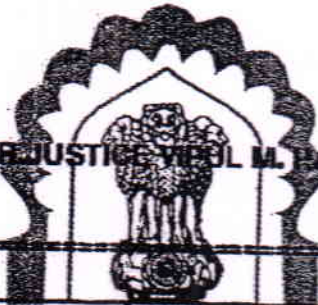


FOR APPROVAL AND SIGNATURE:

HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY

and

HONOURABLE MR JUSTICE VIKUL M. BANCHOLI



1	Whether Reporters of Local Papers may be allowed to see the judgment? सत्यमेव जयते	
2	THE HIGH COURT To be referred to the Bench or not?	
3	Whether their Lordships wish to see the fair copy of the judgment?	750
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder?	

MAMATABEN D/O NAROTTAM CHANDULAL ZAVERI....Appellant(s)

Versus

URBAN LAND TRIBUNAL AND EX-OFFICIO SECRETARY &

2....Respondent(s)

Appearance:

SHRI NAVIN PAHWA, ADVOCATE FOR MESSRS THAKKAR AND PAHWA

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M. P. M.

CA/PA/1458/2015

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ADVOCATES, ADVOCATE for the Appellant(s) No. 1.

SHRI DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 3.

NOTICE SERVED for the Respondent(s) No. 1 - 2



CORAM: HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH
REDDY
and
HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI

Date : 01/12/2016

CAV JUDGMENT

(PER : HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY)



This Letters Patent Appeal under Clause 15 of the Letters
Patent is filed by the original petitioner in Special Civil Application
No.1403 of 1991, aggrieved by the judgment of the learned Single
Judge dated 07.10.2015.



सत्यमेव जयते

2. Special Civil Application No.1403 of 1991 was filed with the
prayers which read as under:

"13. (a) The impugned order of respondent no.1
annexed as Annexure:D be quashed and set aside.

(b) It be held and ordered that the petitioner do not
hold any excess vacant land;

Amendment carried out as per court's order.

(BB) Your Lordships may be pleased to issue

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appropriate writ, order or direction and quashing and set aside the order dated 6.5.1998/ 12.6.1988 passed by the respondent no.2 as being illegal, unjust, arbitrary, and violative of Article 14 of the Constitution of India.



(BBB) Your Lordships may be pleased to issue appropriate writ, order or direction declaring that the proceedings have stood abated in view of provisions of Urban Land (Ceiling and Regulation) Repeal Act, 1999 and no further action is permissible to be taken by the authority in respect of subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of final plot No. 56 T.P. Scheme No.8 Dariapur Kajipur together with the construction thereon, in the interest of justice and equity.

(c) It may be ordered that the matter is remanded to respondent no.2 or 3 for fresh hearing according to law.

सत्यमेव जयते
THE HIGH COURT
OF GUJARAT

(d) Pending the final hearing and disposal of this petition, the operation of the judgment dated 31.8.1990 delivered by respondent no.1 be stayed;

Amendment carried out as per Court's order.

(DD) Your Lordships may be pleased to stay the implementation, operation and execution of the order dated 6.5.1988/ 12.6.1988 passed by respondent no.2 pending the admission, hearing and final disposal of this petition.

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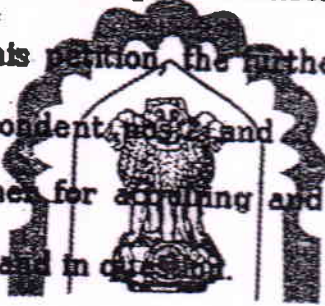
(DDD) Your Lordships may be pleased to restrain the respondent authorities, their agents and servants from taking any coercive action in respect of the subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of Final Plot No.38 T.P. Scheme No.8, Dariapur- Kazipur together with the construction thereon owned by the petitioner, pending the admission, hearing and final disposal of this petition.

(e) Pending the admission, hearing and final disposal of this petition, the further proceedings be stayed and respondent nos.2 and 3 be directed not to proceed further for acquiring and dispossession the petitioner the land in question.

(f) It may please be ordered to call for the records and proceedings of the matter from the respondent nos.1 to 3.

(g) Any other appropriate relief be granted to the petitioner in the interest of justice.

3. The appellant-petitioner has filed declaration form under Section 6(1) of the Urban Land (Ceiling and Regulation) Act, 1976, declaring 1/4th share in the land bearing Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs. with construction thereon admeasuring 277.59 Sq.Mtrs.,



THE HIGH COURT
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80.26 Sq.Mtrs., 38.46 Sq.Mtrs. and 25.08 Sq.Mtrs. She claimed 1/4th share in the aforesaid immovable property. Out of total extent of land admeasuring 2775.52 Sq.Mtrs, her share is shown as 693.88 Sq.Mtrs. This property is situated at Dariapur-Kajipur. She is shown to have 1/4th share in one more property at Dariapur-Kajipur Sub-Plot No.38-1-3, Final Plot No.38, Town Planning Scheme No.8, admeasuring 601.70 Sq.Mtrs. with construction thereon of 42.14 Sq.Mtrs. and 15.05 Sq.Mtrs. Other lands declared were land admeasuring 877.17 Sq.Mtrs. of Sub-Plot No.4, Final Plot No.240, Town Planning Scheme No.21, situated at Paldi, land admeasuring 219.14 Sq.Mtrs. of Sub-Plot No.11, Final Plot No.240, Town Planning Scheme No.21, which is also situated at Paldi, and lands of equal measurements of Sub-plot Nos.2 and 9 respectively of Final Plot No.240 situated at Paldi admeasuring 43.47 Sq.Mtrs., 56.85 Sq. Mtrs., 1366.18 Sq. Mtrs., 16.72 Sq.Mtrs., 775.00 Sq.Mtrs. and 647.14 Sq.Mtrs. total of which comes to 2905.44 Sq.Mtrs. of different city survey numbers shown to be situated in Kalupur-3 and the land of Hansol of Town Planning Scheme No.8 admeasuring 6069.36 Sq.Mtrs.

4. The competent authority while deciding the holding of the appellant-petitioner has considered the share of the appellant-petitioner in the land bearing Sub-Plot No.38-1-2, 38-1-5 and 38-1-4, which were not declared by the appellant-petitioner. The competent authority has taken total land of Plot No.38 of Town



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Planning Scheme No.8 situated at Dariapur-Kajipur as 5442.94 sq meters and share of the appellant- petitioner was taken as 1360.74 sq meters and from the land of Kalupur, share of the appellant- petitioner was taken at 281.17 Sq. Mtrs. from 1360.74 Sq. Mtrs. of Dariapur-Kajipur. The competent authority allowed retainable land of 718.29 Sq. Mtrs. and declared open land of 642.45 Sq. Mtrs. as surplus land.



5. As against the same, the order passed by the competent authority, the appellant- petitioner filed appeal under section 33 of the Urban Land (Ceiling and Regulation) Act, 1976 and the same was dismissed by the Appellate Authority. Challenging the order of the Primary Authority and the Appellate Authority, the Special Civil Application was filed



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6. At this stage, it is relevant to note that the Special Civil Application was filed in the year 1991 and the same was dismissed for non prosecution and subsequently it was restored in the year 2014. In the meanwhile, Urban Land (Ceiling and Regulation) Act, 1976 came to be repealed in 1999 by the Urban Land (Ceiling and Regulation) Repeal Act, 1999. As the order restoring the Special Civil Application has become final, the learned Single Judge has considered the matter on merits and passed the impugned order rejecting various pleas raised by the appellant- petitioner.

7. In the Special Civil Application it was the case of the

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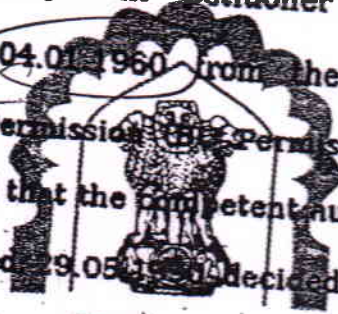
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appellant- petitioner that as possession was not taken by issuing notice as contemplated under section 10(6) of the Act she is entitled to have benefit of Repeal Act and all the proceedings stand lapsed. On that plea she has also sought declaration in the petition. Reliance is placed by the appellant- petitioner on the decision of the Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Hari Ram, reported in (2013) 4 SCC 280. However, the learned Single Judge relying on decision of the Hon'ble Supreme Court in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321 has held that as possession was taken long back, such issue cannot be reopened at this stage. The learned Single Judge has held that as it is the case of the respondent- authorities, possession of surplus land was taken by drawing Panchnama about 22 years back, as such, such issue cannot be permitted to be reopened based on the Court Commissioner's report drawn in Civil Suit filed in the year 2011. Even on merits, the learned Single Judge has held that the competent authority has declared only vacant/ open land admeasuring 642.45 sq.mtrs after considering the constructed property shown by the appellant- petitioner in her declaration form in sub-plot No.38-1-1 and sub-plot no.38-1-3. As such there is no illegality to reopen the issue after a period of more than 22 years.

8. Heard Shri Navin Pahwa, learned counsel appearing for the appellant and Shri Dhawan Jayswal, learned Assistant Government

Pleader for respondent no.3-State. It is contended by the learned counsel for the appellant-petitioner that the property covered by Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs is co-owned by the appellant-petitioner along with her three sisters, by name, (i) Pratixaben Narottambhai Zaveri, (ii) Pannaben Narottambhai Zaveri and (iii) Nandiniben Narottambhai Zaveri. It is submitted that all four sisters have equal share in the land, on which there is total construction of 421.39 Sq. Mtrs, which constructions were made by father of the appellant-petitioner by obtaining permission to construct on 04.01.1960 from the Municipal authorities vide Building Use Permission (B.U.P. Permission) dated 23.05.1962. It is further pleaded that the competent authority, viz. Deputy Collector vide order dated 29.05.1964 decided Form-1 filed by Pratixaben Narottambhai Zaveri, one of the sisters of the appellant-petitioner, in which it is held and declared that the land covered by Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs is not a vacant land. It is further submitted that so far as the plot admeasuring 601.70 sq meters covered by Sub-Plot No.38-1-B, Final Plot No.38, Town Planning Scheme No.8, the appellant-petitioner has applied for permission under section 27 of the Act for transfer of this plot to Nakoda Park Cooperative Housing Society Limited. Similarly, sister of the appellant-petitioner, by name, Sint. Nandiniben Narottambhai Zaveri also applied for permission under section 27 of the Act for



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sub-plot no.38-1-4 and the competent authority has granted permission vide order dated 06.12.1980. As such the said sub-plot could not be included in the holding of the appellant-petitioner. It is submitted that the entire plot was ultimately used for cooperative housing society for the purpose of construction of residential houses. It is further pleaded in the declaration filed by sister of the appellant-petitioner, who stands on similar footing with the appellant - petitioner that the competent authority did not include the plot of land covered under sub-plot 38-1-4 in the holding of Smt. Nandiniben Narottambhai Zaveri. It is further submitted that parcels of land covered by Sub-Plot No.38-1-2, and 38-1-5 with certain other parcels of land aggregating to 1781.12 sq meters were covered under the exemption granted vide order dated 14.07.1981 under Section 21 of the Urban Land (Ceiling and Regulation) Act, 1976. The appellant made specific averments in this regard in the petition by producing copy of order dated 14.07.1981 passed by the competent authority. As such these parcels of land could not have been included in the holding of the appellant. It is submitted that in spite of the same, contrary to the findings recorded in the orders passed on the declarations submitted by the co-owners of the property, who are sisters of the appellant herein, the competent authority, viz. Deputy Collector has passed order declaring 642.45 sq.mtrs. of land as excess land forming part of Sub-plot No.38-1-1. It is submitted that even the Appellate Tribunal has dismissed the appeal without appreciating



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the relevant aspects of the matter and even the learned Single Judge has committed error by not considering various important and relevant pleas raised by the appellant-petitioner in support of her case.



9. Further it is also submitted by the learned counsel that the appellant-petitioner continued in possession of the land which is declared surplus and which is allegedly taken possession by the respondent-authorities by drawing Panchnama. It is submitted that after dismissal of the writ petition for non prosecution when the authorities were interfering with the possession, the appellant has filed Civil Suit No. 2018 in the City Civil Court at Ahmedabad, in which Court Commissioner was appointed, who had inspected the property and submitted report which shows that the appellant is in fact in physical possession of the property in question. It is submitted that in any event even according to the case of the respondent authorities, no notice has been issued as contemplated under section 10(6) of the Urban Land (Ceiling and Regulation) Act, 1976, and thus, the appellant is entitled to the benefits of section 3 of the Act. It is submitted that the alleged taking over of possession by drawing Panchnama even without issuing notice under section 10(6) of the Act is per se illegal. Such possession cannot be recognized to accept the plea of the respondents. It is submitted that in view of the Repeal Act all the proceedings are entitled to be lapsed, the appellant-petitioner is



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entitled to hold the property which is allegedly declared excess, taken possession by drawing Panchnama.



Affidavit in reply is filed in the Special Civil Application. In the affidavit in reply, while denying various allegations made by the appellant- petitioner, it is stated that the petition was filed in the year 1991 and the same was dismissed for non prosecution, viz for non removal of objections and the same was restored by order dated 11.04.2014. It is submitted that as restoration application was filed with gross delay of 20 years, while opposing amendment which was sought to add additional pleas, it is submitted that the appellant- petitioner Mamtaben, daughter of Narottambahi Zaveri has filed declaration on 11.09.1976 and the same was scrutinized on 03.12.1982 under section 1(1) of the Act. Order under section 8(4) of the Act was passed on 13.06.1988, based on which notification under section 10(1) of the Act was published on 11.04.1989. While referring to dismissal order of the Appellate Authority dated 31.08.1990 it is stated that possession of the land in question admeasuring 642.45 sq meters was taken over after issuance of notice under section 10(5) of the Act on 08.02.1991. While pleading that possession of surplus land was taken in accordance with law while drawing Panchnama, it is the case of the respondents that it is not open to the appellant to raise any objection with regard to validity of taking possession at this stage. With reference to the allegation of the appellant- petitioner that

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she was not served with notice as contemplated under section 10(6) of the Act following averment is made in para 11 of the affidavit in reply:



"11. I most humbly say and submit that thereafter the occupant of the land in question was paid to hand over the possession as per notice under section 10(five) of the act and therefore, the position (sic., possession) of the land in question was taken over by drawing Panchnama on 30.04.1991 is provided under section 10(6) of the act."

10. The learned Assistant Government Pleader (AGP) appearing for respondent no. 3, after verifying the record, fairly admitted that notice under section 10(6) of the Act was not issued. However, possession was taken by drawing Panchnama on 30.04.1991, after issuing notice under section 10(5) of the Act. It is submitted by the learned AGP that when possession was not handed over after issuance of notice under section 10(5) of the Act it is always open for the respondents to take possession by drawing Panchnama. The learned AGP placed reliance on the very judgment which was referred to by the learned Single Judge in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321.



11. Before we deal with the contentions advanced by the learned counsel appearing for the parties we deem appropriate to refer to

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the order No. UHC/J/7/117/187 dated April 1990/ 21.05.1990 passed by the Competent Authority under section 8(4) of the Act on declaration filed by sister/ co-owner of the appellant in the property which is the subject matter of the petition. In the said order, on declaration of the applicant, by name, Pratixaben Narottambhai Zaveri, who is real sister of the appellant herein, is shown against the land admesasuring 2775.55 sq meters covered under Town Planning Scheme No.8, Final Plot No.38, Subplot No.38/1/1 situated at Dariapur - Kajipur. She has also declared the extent of land as 601.70 sq meters of Final Plot No.38, Subplot No.38/1/1, apart from other properties. In Dariapur- Kajipur, property admeasuring 2775.55 sq meters, sister of the appellant is shown as holding 1/4th share of 682.08 sq meters. In respect of the above said property, the Competent Authority has declared that having regard to constructions in the property, no part of the land in the said property can be declared as vacant land. Even the property covered by subplot no.38/1/2 situated at Dariapur- Kajipur, admeasuring 601.70 sq meters also excluded from the holding of the declarant on the ground that permission was granted under section 27 of the Act. Though the appellant- petitioner stands on the very same footing, who is claiming 1/4th share in the very same property, the Competent Authority has declared that a part of the land of the aforesaid properties be treated as vacant land. In view of the reasoning assigned in order dated 21.05.1990 passed by the Competent Authority on the declaration filed by real sister of the



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appellant- Pratixaben Narottambhai Zaveri, there is no reason to record contra finding in the order passed by the Competent Authority on the declaration filed by the appellant herein. We have also perused the reasons recorded in the order dated 21.05.1990, wherein the properties covered by serial no.192 in such declaration are held to be non-vacant lands. We are informed that such order passed by the Competent Authority has become final. In that view of the matter there is no reason to record contra finding on the declaration filed by the appellant- petitioner, who stand exactly on similar footing with her sister, by name, Pratixaben Narottambhai Zaveri.

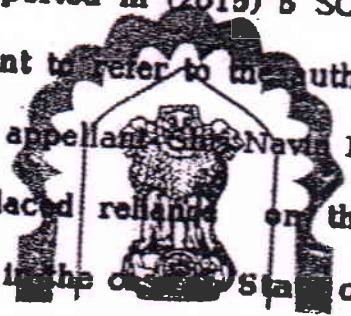
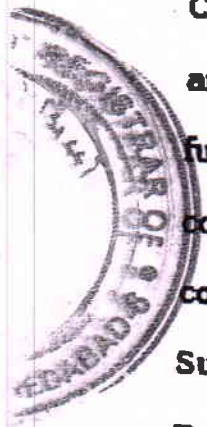
12. It is true that originally after dismissal of the appeal filed by the appellant under section 33 of the Urban Land (Ceiling and Regulation) Act, 1976, at the first instance, Special Civil Application was filed in the year 1991. Such petition was dismissed for non prosecution for non removal of objections. Subsequently, on an application filed, the same was restored. Even amendments sought were granted as prayed for. Either the order restoring the petition or the order granting permission for amendment of the pleadings was not challenged and such orders have become final. In view of the same it is open for the appellant to take up such pleas which are available and raised either in the original petition or by way of amendments.

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13. On perusal of the order passed by the learned Single Judge it is clear that the learned Single Judge has mainly rejected the plea of the appellant- petitioner of not taking valid possession and her entitlement to have benefit of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, mainly on the ground that possession of the land was taken 22 years back and the same cannot be allowed to reopen. In support of such plea the learned Single Judge has placed reliance on the decision of the Hon'ble Supreme Court in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321. Before we proceed further, we want to refer to the authorities relied on by learned counsel for the appellant- Shri Navi Pahwa. Shri Pahwa, learned counsel has placed reliance on the decision of the Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Hari Ram, reported in (2013) 4 SCC 280. In the aforesaid judgment, while interpreting the provisions under section 10(3) and (5) of the Urban Land (Ceiling and Regulation) Act, 1976, the Hon'ble Supreme Court has held that deemed vesting of excess land in the State under section 10(3) of the Act after issuance of notification under section 10(1) of the Act and issuance of notice under section 10(5) of the Act, does not amount to taking possession of surplus land by the State Government. In such a situation, the Hon'ble Supreme Court has held that ceiling proceedings would abate in all cases where factually possession has not been handed over or delivered before the Urban Land (Ceiling and Regulation) Repeal



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Act, 1999 coming into force by virtue of section 4 of the said Act. In the aforesaid judgment while dealing with section 10(5) and (6) of the Act, the Hon'ble Supreme Court has held that,

"Peaceful dispossession"

34.. Sub-section (5) of Section 10, for the first time, speaks of "possession" which says where any land is vested in the State Government under sub-section (3) of Section 10, the competent authority may, by notice in writing, order any person, who may be in possession of it to surrender or transfer possession to the State Government or to any other person, duly authorized by the State Government.

35.. If de facto possession has already passed on to the State Government under the two deeming provisions under sub-section (3) of Section 10, there is no necessity of using the expression "where any land is vested" under sub-section (5) to Section 10. Surrendering or transfer of possession under sub-section (3) to Section 10 can be voluntary so that the person may get the compensation as provided under Section 11 of the Act early. Once there is no voluntary surrender or delivery of possession, necessarily the State Government has to issue notice in writing under sub-section (5) to Section 10 to surrender or deliver possession. Subsection (5) of Section 10 visualizes a situation of surrendering and delivering possession, peacefully while subsection (6) of Section 10 contemplates a situation of forceful dispossession.





Forceful dispossession

36. The Act provides for forceful dispossession but only when a person refuses or fails to comply with an order under sub-section (5) of Section 10. Sub-section (6) to Section 10 again speaks of "possession" which says, if any person refuses or fails to comply with the order made under sub-section (5), the competent authority may take possession of the vacant land to be given to the State Government and for that purpose, force - as may be necessary - can be used. Sub-section (6), therefore, contemplates a situation of a person refusing or fails to comply with the order under sub-section (5), in the event of which the competent authority may take possession by use of force. Forcible dispossession of the land, therefore, is being resorted only in a situation which falls under sub-section (6) and not under sub-section (5) of Section 10. Sub-sections (5) and (6), therefore, take care of both the situations, i.e. taking possession by giving notice that is "peaceful dispossession" and on failure to surrender or give delivery of possession under Section 10(5), than "forceful dispossession" under sub-section (6) of Section 10.

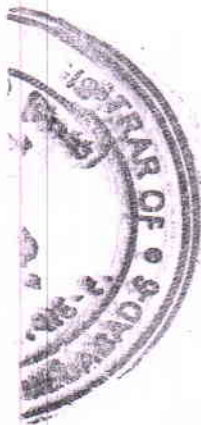
37. The requirement of giving notice under sub-sections (5) and (6) of Section 10 is mandatory. Though the word 'may' has been used therein, the word 'may' in both the sub-sections has to be understood as "shall" because a court charged with the task of enforcing the statute needs to decide the consequences that the legislature intended to follow from failure to implement the requirement. Effect of non-issue of notice under



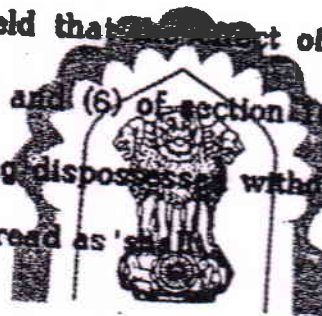
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sub-section (5) or sub-section (6) of Section 11 is that it might result the land holder being dispossessed without notice, therefore, the word 'may' has to be read as 'shall'.



In the above judgment it is clearly held that the requirement of giving notice under subsections (5) and (6) of section 10 of the Act is mandatory while construing the word 'may' which is used in section in section 10(5) and (6) of the Act, the Hon'ble Supreme Court has held that said expression has to be understood as 'shall'. It is further held that the effect of non-issuance of notice under subsections (5) and (6) of section 10 of the Act will result in the landholder being dispossessed without notice. Therefore, the word 'may' has to be read as 'shall'.



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14. Further in the judgment in the case of **Gajanan Kamliya Patil Vs. Additional Collector and Competent Authority (ULC) and others**, reported in (2014) 12 SCC 523, while considering the provisions of subsections (3) and (6) of section 10 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. the Hon'ble Supreme Court has held as under:

"12. We have, therefore, clearly indicated that it was always open to the authorities to take forcible possession and, in fact, in the notice issued under



Section 10(5) of the ULC Act, it was stated that if the possession had not been surrendered, possession would be taken by application of necessary force. For taking forcible possession, certain procedures had to be followed. Respondents have no case that such procedures were followed and forcible possession was taken. Further, there is nothing to show that the Respondents had taken peaceful possession, nor there is anything to show that the Appellants had given voluntary possession. The facts would clearly indicate that only de jure possession had been taken by the Respondents and not de facto possession before coming into force of the repeal of the Act. Since there is nothing to show that de facto possession had been taken from the Appellants prior to the execution of the possession receipt in favour of MRDA, it cannot hold on to the lands in question, which are legally owned and possessed by the Appellants. Consequently, we are inclined to allow this appeal and quash the notice dated 17.2.2005 and subsequent action taken therein in view of the repeal of the ULC Act. The above reasoning would apply in respect of other appeals as well and all proceedings initiated against the Appellants, therefore, would stand quashed."



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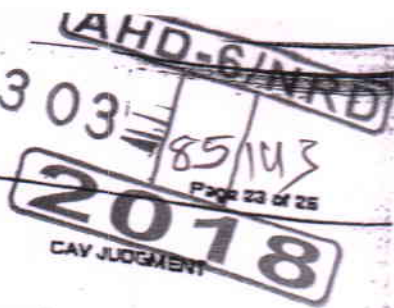
15. Further, the learned counsel has also placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Chandra Kishore Jha Vs. Mahavir Prasad and others**, reported in (1999) 8 SCC 266. In support of his argument that if the Statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner. Para 17 of the said judgment reads as under:

"17. In our opinion insofar as an election petition is concerned, proper presentation of an election petition in the **Patna High Court** can only be made in the manner prescribed by Rule 6 of Chapter XXI-E. No other mode of presentation of an election petition is envisaged under the Act or the Rules thereunder and, therefore, an election petition could, under no circumstances, be presented to the Registrar to save the period of limitation. It is a well-settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner. (See with advantage : **Nazir Ahmad v. King Emperor**, **Rao Shiv Bahadur Singh V. State of V.P.**, **State of U.P v. Singhara Singh**.) An election petition under the Rules could only have been presented in the open Court upto 16.5.1995 till 4.15 P.M. (working hours of the Court) in the manner prescribed by Rule 6 (supra) either to the Judge or the Bench as the case may be to save the period of limitation. That, however, was not done. However, we cannot ignore that the situation in the present case was not of the making of the appellant.



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Neither the designated election Judge before whom the election petition could be formally presented in the open Court nor the Bench hearing civil applications and motions was admittedly available on 16.5.1995 after 3.15 P.M., after the Obituary Reference since admittedly the Chief Justice of the High Court had declared that "the Court shall not sit for the rest of the day" after 3.15 P.M. Law does not expect a party to do the impossible - impossibulum nulla obligatio est - as in the instant case, the election petition could not be filed on 16.5.1995 during the Court hours, as far all intent and purposes, the Court was closed on 16.5.1995 after 3.15 P.M."

16. From the aforesaid judgments relied on by the learned counsel for the appellants and looking to the provisions of subsections (5) and (6) of section 10 of the Urban Land (Ceiling and Regulation) Act, 1976, it is clear that after notification issued under section 10(1) and 10(3) of the Act, it is open for the respondents to issue notice under section 10(5) of the Act asking the declarant to hand over possession of the vacant land. Section 10(6) of the Act comes into play when the declarant/ owner fails to hand over possession pursuant to notice under section 10(5) of the Act. When possession is not handed over by the owner to the declarant even after receipt of notice under section 10(5) of the Act, it is mandatory on the part of the authorities to give notice under section 10(6) of the Act for taking forceful possession.



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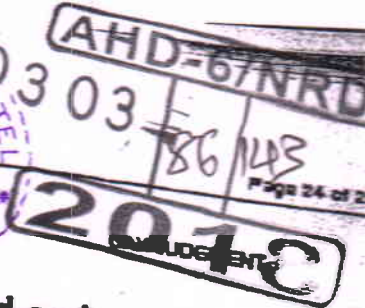
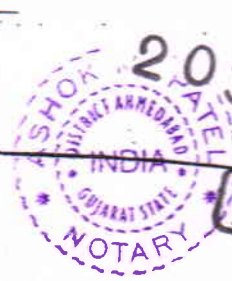
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17. We also feel that there is logic behind such provision under section 10(6) of the Act that when declarant failed to deliver possession even after issuance of notice under section 10(5) of the Act. The authorities can notify date for taking possession by issuing notice under section 10(6) of the Act. If such notice under section 10(6) of the Act is not issued, declarant- owner will be in dark as to on which date possession will be taken. In view of the aforesaid provision and having regard to the judgments relied on by the learned counsel for the appellant, we are of the view that the plea of the appellant- petitioner deserves to be accepted.

The respondents have not taken possession in accordance with law. As it is not in dispute that the respondent-authorities have not issued notice under section 10(6) of the Act, the alleged taking over of possession on 30.04.1991 by drawing Panchnama is no possession in the eye of law which can be reckoned to accept the plea of the respondents. Further it is also clear from the material placed on record that in Civil Suit No.1 of 2011 filed by the appellant- petitioner in the City Civil Court at Ahmedabad, Court Commissioner was appointed. The Court Commissioner clearly revealed that the appellant- petitioner is in physical and actual possession of the land in question. For the aforesaid reasons and having regard to the facts and circumstances of the case, we are of the view that the learned Single Judge has committed error in placing reliance on the judgment of the Hon'ble Supreme Court in



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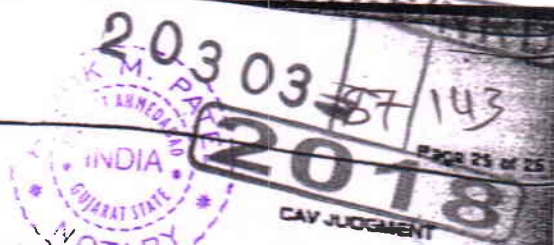
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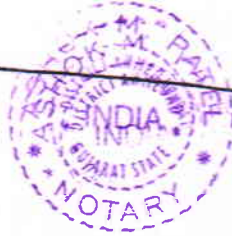
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the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321. From perusal of the judgment of the Hon'ble Supreme Court in the aforesaid case of State of Assam, it is to be noticed that the persons claiming possession were third parties and when owners failed to challenge any proceedings taken under section 10(5) of the Act, in the present case when the very declarant before this Court challenging the orders of the authorities, it is also to be noticed that when the order restoring the writ petition and order allowing to raise additional pleas have become final and merely on the ground that alleged possession was taken by drawing Panchnama about 22 years back, is no ground to deny the statutory benefits conferred on the declarant - appellant under the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.  is much more in the view that no possession is taken in accordance with law by issuing notice under section 10(6) of the Act,  THE HIGH COURT OF GUJARAT clear view that the appellant-petitioner is entitled to have benefits under the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. No steps can be taken further. All the proceedings stand abated.

18. Further, in the affidavit in reply, it is also stated that after possession was taken over said fact was recorded in the revenue record vide entry no.14767 and in Village From Extract 7/12 for excess land. Accordingly, said entries which are made pursuant to orders passed by the authority also deserve to be quashed.



19. For the reasons recorded above, this Letters Patent Appeal is allowed. Order of, the learned Single Judge is set aside. Consequently, Special Civil Application No.1403 of 1991 stands allowed by setting aside the order passed by the Primary Authority, viz. the Competent Officer & Additional Collector, Urban Land Ceiling, Ahmedabad, respondent no.2 dated 06.05.1998/ 12.06.1988 in proceeding No.ULC/ Uni-3/ DK/ 256; and the order of the Appellate Authority, viz. Urban Land Tribunal at Ahmedabad in Appeal No.352 of 1988 dated 31.08.1990. Consequently the proceedings initiated under Urban Land (Ceiling and Regulation) Act, 1976 stands abated in terms section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. Further consequent changes made in the records also stand quashed. No order as to cost.

सत्यमेव जयते
THE HIGH COURT
OF GUJARAT

20. Consequently, the Civil Application is disposed of in the aforesaid terms.

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(R. SUBHASH REDDY, CJ)

Ashok M. Patel
NOTARY

Date 20

(VIPUL M. PANCHOLI, J.)

TRUE COPY

DEPUTY ASSISTANT REGISTRAR
THIS DAY OF

By Order of the Court

Deputy Registrar

C/MCA/630/2017



ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION (FOR REVIEW) NO. 630 of 2017

In LETTERS PATENT APPEAL NO. 1458 of 2015

In SPECIAL CIVIL APPLICATION NO. 1403 of 1991



URBAN LAND TRIBUNAL AND EX-OFFICIO SECRETARY & 2... Applicants

Versus

MAMATABEN D/O NAROTTAM CHANDULAL ZAVERI... Opponents

Appearance:

MR PRAKASH K JANI, ADDITIONAL ADVOCATE GENERAL assisted by MR
DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER for Applicants
MR NAVIN PAHWA for THAKKAR AND PAHWA ADVOCATES, ADVOCATE
for Opponent



CORAM: HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH
REDDY
and
HONOURABLE MR.JUSTICE VIPUL K. PANCHOLI

Date : 02/03/2017

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY)

1. Heard Shri Prakash K. Jani, learned Additional Advocate General
appearing with Shri Dhawan Jayswal, learned Assistant
Government Pleader for the applicants, and Shri Navin Pahwa,
learned counsel appearing for the respondent.

2. This Misc. Civil Application is filed seeking review of the
judgment dated 01.12.2016 passed in Letters Patent Appeal
No.1458 of 2015.

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3. The aforesaid Letters Patent Appeal was filed by the respondent herein under Clause 15 of the Letters Patent, aggrieved by the order of the learned Single Judge dated 07.10.2015 passed in Special Civil Application No.1403 of 1991.
4. Special Civil Application No.1403 of 1991 was filed by the respondent herein with the prayers which read as under:

"13. (a) The impugned order of respondent no.1 annexed as Annexure:D be quashed and set aside.

(b) It be held and ordered that the petitioner do not hold any excess vacant land;

Amendment carried out as per court's order.

(BB) Your Lordships may be pleased to issue appropriate writ, order or direction and quashing and set aside the order dated 6.5.1998/ 12.6.1988 passed by the respondent no.2 as being illegal, unjust, arbitrary, and violative of Article 14 of the Constitution of India.

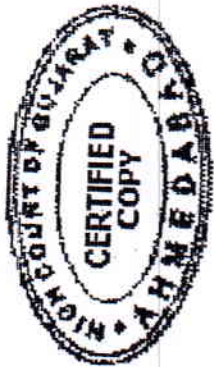
(BBB) Your Lordships may be pleased to issue appropriate writ, order or direction declaring that the proceedings have stood abated in view of provisions of Urban Land (Ceiling and Regulation) Repeal Act, 1999 and no further action is permissible to be taken by the authority in respect of subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of final plot No.38 T.P. Scheme No.8 Dariapur Kajipur together with the construction thereon, in the interest of justice and equity.

(c) It may please be ordered that the matter is remanded to respondent no.2 or 3 for fresh hearing according to law.

(d) Pending the final hearing and disposal of this petition, the operation of the judgment dated 31.8.1990 delivered by respondent no.1 be stayed;

Amendment carried out as per Court's order.

(DD) Your Lordships may be pleased to stay the



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implementation, operation and execution of the order dated 6.5.1988/ 12.6.1988 passed by respondent no.2 pending the admission, hearing and final disposal of this petition.

(DDD) Your Lordships may be pleased to restrain the respondent authorities, their agents and servants from taking any coercive action in respect of the subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of Final Plot No.38 T.P. Scheme No.8, Dariapur- Kazipur together with the construction thereon owned by the petitioner, pending the admission, hearing and final disposal of this petition.

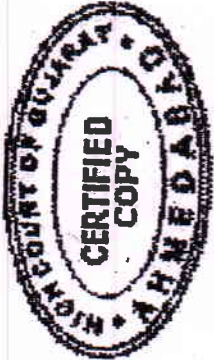
(e) Pending the admission, hearing and final disposal of this petition, the further proceedings be stayed and respondent nos.2 and 3 be directed not to proceed further for acquiring and dispossession the petitioner the land in question.

(f) It may please be ordered to call for the records and proceedings of the matter from the respondent nos.1 to 3.

1. (g) Any other appropriate relief be granted to the petitioner in the interest of justice."

5. This review application is filed on the limited ground, namely, that before taking possession of the surplus land in exercise of power under the provisions of Sec.10 of the Urban Land (Ceiling & Regulation) Act, 1976 ("the Act" for short), no specific notice need be issued under Section 10(6) of the Act.

6. In Special Civil Application No. 1403 of 1991, the respondent has questioned the order passed by the competent authority under the Urban Land (Ceiling & Regulation) Act, 1976. The competent authority has held that the respondent was holding land admeasuring 642.45 sq.mtrs. in excess than retainable land. The said order of competent authority was confirmed by the appellate authority, as such, the order of the appellate



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authority was under challenge in the Special Civil Application, and the Special Civil Application was dismissed by the learned single Judge. However, the Letters Patent Appeal filed by the respondent herein was allowed by this Court. Apart from the other grounds, the ground on which the Letters Patent Appeal was allowed, was that the applicants herein have not issued any notice as contemplated under Sec.10(6) of the Act before taking possession of the land as claimed by them. In view of such finding, this Court held that proceedings initiated under the Act have lapsed. In the aforesaid judgment, this Court has placed reliance on the judgment of the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh Vs. Hari Ram**, reported in **(2013) 4 Supreme Court Cases 280**. Para-6 of the judgment in the Letters Patent Appeal reads as under:

"6. At this stage, it is relevant to note that the Special Civil Application was filed in the year 1991 and the same was dismissed for non prosecution and subsequently it was restored in the year 2014. In the meanwhile, Urban Land (Ceiling and Regulation) Act, 1976 came to be repealed in 1999 by the Urban Land (Ceiling and Regulation) Repeal Act, 1999. As the order restoring the Special Civil Application has become final, the learned Single Judge has considered the matter on merits and passed the impugned order rejecting various pleas raised by the appellant-petitioner."

7. In this Miscellaneous Civil Application for Review, it is contended by Shri P.K. Jani, learned Additional Advocate



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General assisted by Shri. Dhawan M. Jayswal, Assistant Government Pleader, appearing for the applicants that no specific notice need be issued under Sec. 10(6) of the Act. It is submitted that if the declarant fails to hand over possession of surplus land after receipt of notice under Sec.10(5) of Act, it is open for the authorities to take possession on their own. It is submitted that in the absence of any specific notice contemplated under Sec.10(6) of the Act, it cannot be said that issuance of notice under Sec.10(6) of the Act is pre-requisite before taking possession. Alternatively, it is submitted that, notice dated 8.2.1991 issued under Sec.10(5) of the Act also meets the requirement of Sec.10(6) of the Act. Copy of the notice dated 8.2.1991 issued by the competent authority/Deputy Collector (ULC) is also produced during the course of hearing.

8. On the other hand, it is contended by Shri Navin Pahwa, learned counsel for Thakkar & Pahwa Advocates, appearing for the opponent, that all the contentions raised by the applicants herein were considered in the judgment dated 1st December 2016 and in the absence of any error apparent on the face of the record, there is no ground to seek review of the judgment. Further, it is contended by the learned counsel that in view of the judgment of the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh Vs. Hari Ram**, reported in (2013) 4 Supreme Court Cases 280, it is clear that issuance of

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notice under Secs.10(5) and 10(6) of the Act is mandatory. It is submitted that only when the declarant fails to hand over possession pursuant to notice issued under Sec.10(5), the authorities are empowered to take possession on their own only after issuance of notice as contemplated under Sec.10(6) of the Act. It is also submitted that there cannot be any composite notice prescribed under the Statute under Secs. 10(5) and 10(6) of the Act.



9. When the Letters Patent Appeal No. 1458 of 2015 was heard, it was not disputed by the applicants herein that they have never issued any notice as contemplated under Sec.10(6) of the Act before taking possession of the land. In the absence of issuance of such specific notice, by placing reliance on the judgment of the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh Vs. Hari Ram**, reported in (2013) 4 Supreme Court Cases 280, we have held that as the applicants have not taken possession in accordance with law, as such, their claim that they have already taken over possession was not accepted. It is relevant to refer to paras 36 and 37 of the above judgment of the Hon'ble Supreme Court, which read as under:-

"36. The Act provides for forceful dispossession but only when a person refuses or fails to comply with an order under sub-section (5) of Section 10. Sub-section (6) to Section 10 again speaks of possession which says, if any

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person refuses or fails to comply with the order made under sub-section (5), the competent authority may take possession of the vacant land to be given to the State Government and for that purpose, force - as may be necessary - can be used. Sub-section (6), therefore, contemplates a situation of a person refusing or fails to comply with the order under sub-section (5), in the event of which the competent authority may take possession by use of force. forcible dispossession of the land, therefore, is being resorted only in a situation which falls under sub-section (6) and not under subsection (5) to Section 10. Sub-sections (5) and (6), therefore, take care of both the situations, i.e. taking possession by giving notice that is peaceful dispossession and on failure to surrender or give delivery of possession under Section 10(5), than forcible dispossession under sub-section (6) of Section 10.

37. The requirement of giving notice under sub-sections (5) and (6) of Section 10 is mandatory. Though the word may has been used therein, the word may in both the sub-sections has to be understood as shall because a court charged with the task of enforcing the statute needs to decide the consequences that the legislature intended to follow from failure to implement the requirement. Effect of non-issue of notice under sub-section (5) or sub-section (6) of Section 11 is that it might result the land holder being dispossessed without notice, therefore, the word may has to be read as shall."

9. In the aforesaid judgment, the Hon'ble Supreme Court of India explained the situation, when notice is required to be

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issued under Sec.10(6) of the Act. In the very same judgment, in clear terms it is held that requirement of giving notice under Secs.10(5) and 10(6) of the Act is mandatory. In view of such binding judgment of the Hon'ble Supreme Court, it is not possible to accept the contention advanced by the learned Additional Advocate General that possession can be taken without issuing further notice as required under Sec.10(6) of the Act, in the event of declarant failing to hand over possession of land after receipt of notice under Sec.10(5) of the Act.

10. Further, we have also perused the notice dated 8.2.1991, which is placed on record during the course of hearing by the learned Additional Advocate General. The said notice is issued under Sec.10(5) of the Act and in the operative portion of the notice, it is stated that if the declarant fails to hand over possession of the excess land within a period of 30 days, the State Governments will take steps as contemplated under Sec.10(6) of the Act. In view of such language used in the notice issued under Sec.10(5) of the Act, it is not possible to accept the contention of the learned Additional Advocate General that notice dated 8.2.1991 is to be construed as composite notice under Secs. 10(5) and 10(6) of the Act. Situation for issuance of notice under Sec.10(6) of the Act arises only in the event of the declarant not handing over possession of excess land within the time specified in the notice

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issued under Sec.10(5) of the Act. In that view of the matter, there cannot be composite notice under Secs.10(5) and 10(6) of the Act at a time. In any event, we do not find any error apparent on the face of record so as to review the judgment dated 1st December, 2016 passed in Letters Patent Appeal No. 1458 of 2015.

11. For the aforesaid reasons, we do not find merit in this Misc. Civil Application for Review and the same is accordingly dismissed with no order as to costs.

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sdh
(R. SUBHASH REDDY, C.J.)sdh
(JPUL M. PANCHOLI, J.)

TRUE COPY

Ashok M. Patel
NOTARY
Date _____ 20

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DEPUTY / ASSISTANT REGISTRAR
THIS DAY OF

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Corrected



ITEM NO.31

COURT NO.2

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 38305/2017

(Arising out of impugned final judgment and order dated 02-03-2017 in MCA No. 630/2017 01-12-2016 in LPA No. 1458/2015 passed by the High Court Of Gujarat At Ahmedabad)

COMPETENT AUTHORITY AND DEPUTY COLLECTOR & ANR. Petitioner(s)

VERSUS

578314

MAMATABEN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.131520/2017-CONDONATION OF DELAY IN FILING and IA No.131525/2017-EXEMPTION FROM FILING O.T.)

Date: 15-12-2017 This petition was called on for hearing today.

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Certified to be true copy

For Petitioner(s) Mr. Preetesh Kapoor, Adv.
Mr. Jesal Wahi, Adv.
Ms. Hemantika Wahi, AOR
Ms. Mamta Singh, Adv.
Ms. Shodhika Sharma, Adv.

Assistant Registrar (Judicial)
8/11/18
SUPREME COURT OF INDIA

For Respondent(s) Mr. Dushyant A. Dave, Sr. Adv.
Mr. Mr. N.K. Pahwa, Sr. Adv.
Ms. Monisha Handa, Adv.
Mr. Bhagirath N. Patel, Adv.
Mr. Mohit D. Ram, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The special leave petitions are dismissed on the ground of delay as well as on merits.

Signature of
(OF PARKASH SHARMA)
AR CUM PS

(RAJINDER KAUR)
BRANCH OFFICER

TRUE COPY

Ashok M. Patel
NOTARY

Date 22-10-2018



કડત સરકારી કામકાજના ઉપયોગ અર્થે

રાજ્યમાં શહેરી જમીન (ટોચમયદિ અને નિયમન) અધિનિયમ રદ કરવા બાબત અધિનિયમ, ૧૯૯૯
અમલમાં આવતા તે સંબંધી વહીવટીય સુચનાઓ/ સ્પષ્ટતાઓ:-



ગુજરાત સરકાર,

મહેસૂલ વિભાગ,

પરિપત્ર ક્રમાંક સુવેલ્ડી - ૧૦૯૯ - ૬૦૨ નં. ૧,

સચિવાલય, આંધીનગર.

તા. ૧૫-૦૪-૧૯૯૯.

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પ રિ પ ત:-

રાજ્યમાં શહેરી જમીન (ટોચમયદિ અને નિયમન) અધિનિયમ, ૧૯૭૬ તા. ૧૭-૨-૭૬થી અમલમાં હતો. કેન્દ્ર સરકારે સરકારી અધિનિયમ રદ કરી અને તા. ૨૨-૩-૯૯ના રોજ શહેરી જમીન (ટોચમયદિ અને નિયમન) રદ કરવા બાબત અધિનિયમ, ૧૯૯૯ પ્રસિધ્ધ કરેલ છે.

કેન્દ્ર સરકારના ઉપરોક્ત અધિનિયમની ક્લૉમ-૧(૨)ની જોગવાઈ મુજબ આ અધિનિયમ, પ્રથમ તબક્કે સમગ્ર હરિયાણા અને પંજાબ રાજ્યોમાં અને તમામ રાજ્ય હેત્રોને લાગુ પડે છે અને સંવિધાનના અનુચ્છેદ ૨૫૨ના પંડ-(૨) હેઠળ ઠરાવ પસાર કરી જે રાજ્યો આ અધિનિયમ અપનાવે તેવા બીજા રાજ્યોને લાગુ પડશે.

રાજ્ય વિધાનસભામાં ઉપરોક્ત અધિનિયમ અપનાવવા અંગેનો સંવિધાનના અનુચ્છેદ ૨૫૨ના પંડ-(૨) હેઠળનો ઠરાવ તા. ૩૦-૩-૯૯ના રોજ મંજૂર કરવામાં આવેલ છે. આથી શહેરી જમીન (ટોચમયદિ અને નિયમન) રદ કરવા બાબત અધિનિયમ, ૧૯૯૯ (સને-૧૯૯૯નો ૧૫મો) તા. ૩૦-૩-૯૯થી રાજ્યમાં અમલમાં આવેલ છે. સરકારી અધિનિયમની જોગવાઈ પ્રમાણેની અમલવારી સંબંધી પ્રથમ તબક્કે નીચે મુજબની વહીવટીય સુચનાઓ/સ્પષ્ટતાઓ સંબંધિત સર્વેની નાણા સારું પ્રસિધ્ધ કરવામાં આવે છે:-

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૧) સહેરો જમીન (ટોચમયદિ અને નિયમન) રદ કરવા બાબત અધિનિયમ-૧૯૯૯ તેનો ઉલ્લંઘન-
૧(૩) હેઠળ તેને અપનાવવા મંજૂરી મળ્યા પછીનો ઉલ્લંઘન-૨૫૨(૨) હેઠળનો ઠરાવ રાજ્ય
સિધાનસભામાં તા. ૩૦-૩-૯૯ના રોજ મંજૂર થયેલો તાત્કાલિક અસરથી રાજ્યમાં અમલમાં
આવેલ છે.

(૨) આ અધિનિયમ અમલમાં આવતાં મુખ્ય અધિનિયમ મેટલે ડે. સહેરો જમીન (ટોચમયદિ અને
નિયમન) અધિનિયમ-૧૯૭૬ રદ કરવામાં આવ્યો છે પરંતુ, આ અધિનિયમનો ઉલ્લંઘન-૩માં
જણાવેલ અપવાદો અને ઉલ્લંઘન-૪ના પરંતુકમાં જણાવેલ કેટલોક કાનૂની કાર્યવાહીઓ લાગુ પડશે
નહીં. મેટલે ડે. તે આપવામાં વતાવેલ બાબતો અને કેટલોક કાનૂની કાર્યવાહી બાબતે જે
સ્પષ્ટ જણાવેલ છે તેવી બાબતોમાં મુખ્ય કાયદો લાગુ રહે છે તેમ જણાવે.

(૩) સને-૧૯૯૯ના ઉપરોક્ત અધિનિયમનો ઉલ્લંઘન-૩(૧)(૩) મુજબ મુખ્ય કાયદાની ઉલ્લંઘન-
૧૦(૩) હેઠળ કાજ જાહેર થયેલ જમીનો કે જેનો ઉલ્લંઘન રાજ્ય સરકારે લીધેલ
હોય તેવી જમીનો બાબતમાં કાયદો રદ થવાની કોઈ અસર થશે નહીં મેટલે ડે. કાજ
જાહેર થઈ રાજ્ય સરકાર દ્વારા મેનો ઉલ્લંઘન લેવામાં આવેલ હોય તેવી જમીનોને
કાયદો રદ થવાની બાબત લાગુ પડશે નહીં મેટલે ડે. તેવી જમીનો સરકાર હસ્તક જ
રહેશે.

આ બાબત સ્પષ્ટતા કરવાની કે મુખ્ય અધિનિયમનો ઉલ્લંઘન-૧૦(૩) હેઠળ
જાહેરનામું પ્રસિદ્ધ થયેલ હોયું જોઈએ. તેમાં જણાવેલ તારીખ સિવાયની તેવી જમીનો
સરકારમાં સંપ્રાપ્ત થયેલ જણાય છે. પરંતુ, ત્યાંબાદ ઉલ્લંઘન-૧૦(૫)ની નોટીસમાં
૩૦ દિવસ સુધીના સમયમાં જમીનધારકને તેવી જમીનનો ઉલ્લંઘન સોંપી દેવા માટે
જણાવવામાં આવે છે. તેથી તે સમય મર્યાદા સિવાય બાદ ઉલ્લંઘન-૧૦(૬) હેઠળ ઉલ્લંઘન
સંભાળી લેવાનો રહે છે. કેન્દ્ર સરકારના સને-૧૯૯૯ના ઉપરોક્ત અધિનિયમને
તા. ૩૦-૩-૯૯થી અપનાવવામાં આવેલ છે તે સંદર્ભે તા. ૨૮-૨-૯૯ સુધીનો ઉલ્લંઘન-
૧૦(૫) હેઠળ આપેલ નોટીસોના કિસ્સામાં ૩૦ દિવસની સમયમર્યાદા સિવાયબાદ ઉલ્લંઘન-
૧૦(૬) હેઠળ ઉલ્લંઘન આવેલ ન હોય તો તેવી જમીનો જે તે જમીનધારક હસ્તક જ
રહેશે. પરંતુ, ઉલ્લંઘન-૧૦(૫)ની નોટીસ આપેલ હોય અને તેની સમયમર્યાદા તા. ૩૦-
૩-૯૯ સુધીમાં પૂર્ણ થયેલ હોય કે, પૂર્ણ થયેલ હોય અને ઉલ્લંઘન લેવાયેલ ન હોય
તો હવે તેવી જમીનનો ઉલ્લંઘન તા. ૩૦-૩-૯૯ પછી લઈ શકાશે નહીં.

તા. ૩૦-૩-૯૯ સુધીમાં જે કાજ જમીનોનો ઉલ્લંઘન સક્ષમ અધિકારીઓ
દ્વારા સંભાળી લેવામાં આવેલ હોય તેવી તમામ જમીનોનો સ.નં., જમીનોના માલિકનું
નામ, ઉલ્લંઘન સંભાળ્યાની તારીખ તથા એકતરફી ઉલ્લંઘન લીધેલ હોય તો તેના
પંચનામાં વગેરેની વિગતોનું પત્રક તૈયાર કરી ૩૫૩ પહોંચાડી કરવું. તે ઉપરાંત,
આવા ઉલ્લંઘન સંભાળેલ કિસ્સાઓ મંજૂરી અસલ કાઈવાં તેમાં થયેલા પંચનામાં વગેરે સાથે
તા. ૧૫-૪-૯૯ સુધીમાં સંબંધિત સક્ષમ અધિકારીઓએ સરકારીમાં મોકલી

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અપવાના રહેશે.

તા. 30-3-૯૯ પછી 10(પ)ની નોટીસ રવાના કરવાની કે તેનાથી આગવની કોઈપણ કાર્યવાહી હાથ ધરી શકાશે નહીં.

સર્વે સમય મધિદારીઓને તેઓએ છેલ્લે પ્રસિધ્ધ કરેલ મુખ્ય કાયદાની કલમ-10(3) હેઠળના જાહેરનામાની નકલો તાત્કાલિક વિલામને પોડવી આપવાની રહેશે.



(ખ) સને-1૯૯૯ના ઉપરોક્ત કેન્દ્રીય મધિનિયમની કલમ-3(1)(ખ)ની જોગવાઈ મુજબ મુખ્ય મધિનિયમની કલમ-૨૦(1) હેઠળ આપવામાં આવેલ મુકિતના હુકમો અથવા તે હેઠળ લેધેલ કોઈપણ પગલાંની કાયદેસરતાને કોઈ કોર્ટ કે કોઈપણ વિરુદ્ધ શકાઈ શકે તેવા કોઈ કાયદો રદ થવાની વાતથી ખસર થશે નહીં અને તે સંબંધની કાર્યવાહી ચલાવત અને ચાલુ રહેશે.

એનો અર્થ એમ થાય કે, મુખ્ય કાયદાની કલમ-૨૦(૧) હેઠળ આપવામાં આવેલ મુકિત, ઉદ્યોગ મુકિત, શહેરોના ગૃહમંડળો, પાર્શ્વિક મુકિત, ટ્રસ્ટ મુકિત કે વાણિજ્ય વિષયક મુકિત વગેરેને કમતા કેમોમાં તેવી મુકિતમાં ચાલુ રહેલ ગણાશે. તેવી મુકિત આપતા હુકમોમાં લાક્ષણિકતામાં આવેલ શરતોનું પાલન થતું રહે તેટલું મોનોટરિંગ ચાલુ રાખવાનું રહેશે. પરંતુ તેવી શરતસંજના કિસ્સાઓમાં કલમ-૨૦(૨) હેઠળ પગલાં લઈ શકાશે નહીં. હાથ ધરે કે, સને-1૯૯૯ કેન્દ્ર સરકારના મધિનિયમની કલમ-૨૦(૨)ને અપવાદમાં ગણવામાં આવેલ નથી. મટલે કે, એ કલમ રદ થયેલ ગણાશે.

તેથી આવો મુકિતના કિસ્સાઓમાં તેઓએ તેની મુકિત મેળેની શરતોનું પાલન કરવાનું રહે અને શરત સંજના કિસ્સાઓમાં આવો મુકિત રદ કરી શકાતો નથી. તે શરતસંજ સમય નકડી કરવામાં આવે તેવી રકમ મુકિત ધારક પાસેથી વસુલ લઈ નિયમિત કરવામાં આવશે.

અથવા શરતસંજના કેસો અને તેમાં નિયમિત કરવા માટે શરત દીઠ કેટલી રકમ-મને-કઈ ક્ષામે વસુલ લેવી તે મેળે અલગ રીતે નિર્ણય કરી માર્ગદર્શક સૂચનાઓ હવે પછી અલગ રીતે વહાર પાડવામાં આવશે.

(ગ) કેન્દ્ર સરકારમાં સને 1૯૯૯ના ઉપરોક્ત મધિનિયમની કલમ-3(1)(ગ) મુજબ મુખ્ય મધિનિયમની કલમ-૨૦(1) હેઠળ મુકિત આપવાની શરત તરીકે રાજ્ય સરકારને કરેલ કોઈપણ ગુકવણી રદ થવા વાતથી ખસર થશે નહીં.

આ વાતમાં સ્પષ્ટતા કરવાની કે, ગુજરાત રાજ્યને સંબંધ છે ત્યાં સુધી કલમ-૨૦(1) હેઠળ આપવામાં આવેલ મુકિતની શરત તરીકે જમીનધારક પાસેથી કોઈ રકમ વસુલ લેવાની પ્રથા નથી તેથી મુકિતની શરત તરીકે જમીનધારક દ્વારા રાજ્ય

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સરકારને ડોઇપસ રકમ ચુકવવામાં આવેલ હોય તેવા કિસ્સાઓ નથી પરંતુ આ જોખવાઈ મારફત જે કિસ્સાઓમાં કલમ-૨૦(૧) હેઠળની મુક્તિ માટે મુક્તિની શરત તરીકે જમીનધારક તરફથી રાજ્ય સરકારને રકમ ચુકવવામાં આવેલ હોય તો તેવી ચુકવણીની રકમ પરત આપવાની થાય નહિ તેવું દર્શાવેલ છે.

(૧) કેફ સરકારના સને ૧૯૯૯ના ઉપરોક્ત અધિનિયમનો કલમ-૩૧(૨)(ડ) અને (ખ) મુજબ મુખ્ય અધિનિયમનો કલમ- ૧૦(૩) હેઠળ રાજ્ય સરકારમાં ડોઇ જમીન નિહિત થયેલ અથવાયેલ હોય પણ જેનો કબજો લેવામાં આવેલ ન હોય અને તેવી જમીન સંબંધમાં રાજ્ય સરકારે ડોઇ રકમ આપી હોય તો તેવી રકમ રાજ્ય સરકારને પરત કરવામાં આવેલ હોય તે સિવાય તેવી જમીનોનું પુનઃ સ્થાપન થઈ શકે નહિ. એટલે કે, કાજબ જમીન વાવતમાં કલમ-૧૦(૩) હેઠળનું જાહેરનામું પ્રસિધ્ધ થયા બાદ કાયદા મનુષ્યારની આગળની કાર્યવાહી હાથ ધરવામાં આવેલ હોય પરંતુ તેવી જમીનોનો કબજો સરકારમાં હસ્તક લેવામાં આવેલ ન હોય અને જમીનધારકને તેના વળતરની ચુકવણી થઈ ગયેલ હોય તો તેવા કિસ્સામાં આવેલ ચુકવાયેલ વળતરની રકમ રાજ્ય સરકારને પરત કરવામાં આવેલ હોય તે સિવાય તેવી જમીનોનું પુનઃ સ્થાપન થઈ શકે નહિ.

(૪) કેફ સરકારના ઉપરોક્ત સને ૧૯૯૯ના અધિનિયમનો કલમ- ૪ મુજબ આ અધિનિયમના આરંભની તુરત પહેલાં એટલે કે, તા. ૩૦-૩-૯૯ પહેલાં મુખ્ય અધિનિયમ હેઠળ કરેલ અથવા કરવાનું અક્ષિપ્રેત હોય તેવા ડોઇપસ કુલમને લગતી ડોઇપસ ડોટ, દિવ્યુનલ અથવા ડોઇપસ સત્તા મંડલ સમક્ષ નિઠાવ વાડી તમામ કાર્યવાહી બંધ પડશે એટલે કે, તેનો અંત આવેલો અથાશે.

આ બાબત સમજૂતી કરવાની કે, ડોઇપસ ડોટ એટલે કે, તેમાં નામ. સુધિમ ડોટ, નામ. હાઇડોટ કે અન્યનો સમાવેશ થઈ જાય છે. આથી તા. ૩૦-૩-૯૯ના રોજ નામ. સુધિમ ડોટ, નામ. મુજરાત હાઇડોટ, નામ. શહેરી જમીન પંચ કે સક્ષમ અધિકારી સમક્ષ અથવા તો રાજ્ય સરકાર સમક્ષ ફેરતપાસ કે સમીક્ષા અર્થે પડતર તમામ કાર્યવાહીઓ બંધ પડશે. આ સંબંધમાં સર્વે સક્ષમ અધિકારીઓને આ મનુસંધાને સંબંધિતોને જાણ કરી આ કેસો દફતરે કરવાના રહેશે અને સંબંધિતોને તેનું જાણ કર્યા બાદની નક્કી આ કામગીરીમાં રાખવાની રહેશે. નામ. દિવ્યુનલ સમક્ષ નિઠાવ વાડી આવા પ્રકરણો અને દિવ્યુનલને પણ રેકર્ડનું કરી તેવા કામગીરી પરત મેળવી સંબંધિત જમીનધારકને લેખિત જાણ કરી તેની નક્કી કામગીરી સાથે રાખી દફતરે કરવાની રહેશે.

કમિશનરશ્રી, જમીન સુધારણાનો કચેરીના આસપાસ ફરજી પરના અધિકારીશ્રી, સમીક્ષા પાસે સમીક્ષા અથવા પુનઃ સમીક્ષા અર્થે પડતર તમામ કેસોમાં તેવી કાર્યવાહી બંધ પડે છે, તેથી તે મતલબની લેખિત જાણ સાથે કામગીરી સંબંધિત સક્ષમ અધિકારીશ્રીને મોકલી આપવાના

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રહેશે. સમીક્ષા એડમ પાઠે નામ. સહેરો જમીન પંચના ચૂકાદાના સ્વિકાર કે તે સમયે
દિવાની મરજી ઘમલ કરવા અંગેના પ્રકરણો બંધ પડશે. તેથી તેવા પ્રકરણોમાં પણ આ
અંગેનો નોંધ કરી સંબંધિત સક્ષમ અધિકારીઓને પરત મોકલો આપવાના રહેશે.

વિભાગ કક્ષાએ કલમ-33 હેઠળના સહેરો જમીન પંચના ચૂકાદા સામે નામ. ગુજરાત
હાઇકોર્ટમાં માસ દિવાની મરજી કરવા અંગેની દરખાસ્તો પડતર હોય તે ઉપર આગવ
કાર્યવાહી હાય ધરી સહાય નહિ. આથી તેના નિઠાવ વાડો પ્રકરણોમાં તે અંગેનો નોંધ
કરી સમીક્ષા એડમને આગવની પટ્ટી કાર્યવાહી માટે સમીક્ષા એડમને પરત મોકલો આપવાના
રહેશે. આવા પ્રકરણો કોઈ જરૂરી સૂચના રવાના કરવા કે અન્ય કોઈ અભિપ્રાય અર્થે
પ્રથમ વિભાગને મોકલેલ હોય તો તે પણ પરત મેળવી ઉપર સૂચવ્યા મુજબ કાર્યવાહીમાં



નામ. હાઇકોર્ટ સમક્ષ પડતર કેસોમાં કેફ સરકારના સને 1૯૯૯ના ઉપરોક્ત
અધિનિયમની કલમ-(૪) ની જોગવાઈઓ ધ્યાને લઈ જરૂરી આગવની કાર્યવાહી કરવા
તેની જમીન (ટોચ મર્યાદા અને નિયમન) રદ કરવા વાપતના અધિનિયમ- 1૯૯૯ની નડલ
વિધાનસભામાં તા. 30-3-૯૯ના
રોજ મંજૂર થયેલ આ ઠરાવની નડલ આગવની જરૂરી કાર્યવાહી અર્થે સરકારી વડોલશ્રી,
ગુજરાત હાઇકોર્ટને મોકલો આપવા દરખાસ્ત/તેચાર કરી કાયદા વિભાગને મોકલો આપવાની
રહેશે.

શ્રી મુસોદાને નામ. સુપ્રીમ કોર્ટ સમક્ષના પડતર સહેરો જમીન ટોચ મર્યાદા ધારા-
1૯૭૬ને લગતા કેસોમાં કેફ સરકારના ઉપરોક્ત સને 1૯૯૯ના અધિનિયમની જોગવાઈઓ
ધ્યાને લઈ અને જે તે કેસમાં જરૂરી આગવની કાર્યવાહી કરવા સૂચના પાઠવવા માટેની
દરખાસ્ત પણ/તેચાર કરી કાયદા વિભાગને મોકલો આપવાની રહેશે.

વિભાગ કક્ષાએ મુખ્ય અધિનિયમની કલમ- 34 હેઠળના ફેરતપાસના નિઠાવ વાડો
કેસો અંગે સમીક્ષા કરવાની કે, આવા કેસોમાં જ્યાં કારણજીક નોટીસ કે મનાઈ હુકમ
રવાના કરવામાં આવેલ નથી તેવા કેસોમાં હવે તે રવાના કરવાના રહેતો નથી. પરંતુ જે
કેસમાં કારણજીક નોટીસ અને મનાઈ હુકમ રવાના કરવામાં આવેલ છે અને હજુ આમરો
નિઠાવ થયેલ નથી તે તમામ કેસોમાં આ 1૯૯૯ના અધિનિયમની જોગવાઈઓ પ્રમાણે તે
કાર્યવાહી બંધ પડેલ તથા આપેલ મનાઈ હુકમ હવે અમલમાં રહેતો નથી. તેથી
વિષયો અવરો લેતા પદ સાથે કમળો સંબંધિત સક્ષમ અધિકારીઓને તુરત મોકલો આપવાના
રહેશે અને સંબંધિત જમીનધારક/ તેના કુલમુખત્યાર કે વડિલને પણ તથા મનાઈ હુકમ જે જે
કચેરીને મોકલો આપવામાં આવેલ હોય તે સર્વેને પણ આ પત્રની નડલ તથા જરૂરી
કાર્યવાહી અર્થે મોકલો આપવાની રહેશે.

સને 1૯૯૯ના ઉપરોક્ત અધિનિયમની કલમ-4 હેઠળના પરંતુકમાં જણાવવામાં આવેલ
છે કે, જે કાયદા જમીનોનો કવજો લેવામાં આવેલ હોય તેથી જમીનોને લગતા મુખ્ય

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મધિનિયમનો કલમ-11-12-13 ને 14ને લગતો કાર્યવાહી મુખ્ય મધિનિયમ ૧૧ ની વાંચત લાગુ પડકે નહિ. મેટલે કે આ કાજ જમીનનો કવજો લેવામાં આવેલ હોય અને તેવી જમીનને લગતા વધતર સંબંધી મુખ્ય મધિનિયમનો કલમ-11-12-13-14ને લગતા તમામ કેસો/ કાનૂની કાર્યવાહી ચાલુ રહેશે તેવા કેસો કે કાનૂની કાર્યવાહી કોર્ટપસ કોર્ટ, ટ્રિબ્યુનલ અથવા કોર્ટપસ સત્તા પંડજ સમસ તા. 30-3-૯૯ના રોજ નિકાલ પાડી મેટલે કે પડતર હોય તે ચાલુ રહેશે.

કેસ સરકારના સને 1૯૯૯ના ઉપરોક્ત મધિનિયમનો કલમ વાર જોવાઈઓ સંબંધે ઉપરોક્ત સ્પષ્ટતાઓ વાદ મુખ્ય મધિનિયમનો કલમવાર કરવાની થતી કાર્યવાહી સંબંધે કરવાની સ્પષ્ટતાની સિગતો નીચે મુજબ છે:-

મુખ્ય મધિનિયમનો કલમ-10(1) પહેલાં મુખીની તમામ કાર્યવાહી જેમાં જમીનનો કવજો લેવા મુખીના તપકડો આવતો નથી તેથી તે તમામ કાર્યવાહી બંધ પડેલ ગણાશે. મેટલે કે, 10(1) મુખીની કાર્યવાહી કોર્ટપસ તપકડાના તા. 30-3-૯૯ના રોજના પડતર કેસો ઉપર હવે આગળ કોઈ કાર્યવાહી કરી શકાય નહિ. તેથી તેવા પ્રકરણો ઉપર તે મુજબની મીથ કરી તે દફતરે કરવા અને સંબંધિત જમીનધારક અથવા કચેરીઓને તે મુજબની લેખિત જાણ કરી તેના પવની નકલ સંબંધિત કાઈલ પર રાખવાની રહેશે.

મુખ્ય મધિનિયમનો કલમ-10(3) હેઠળ કાજ જાહેર થયેલ જમીન મંત્રી જાહેરનામું પ્રસિધ્ધ થયેલો તેમાં દર્શાવેલ તારીખ નિત્યેથી તે સરકારમાં નિહિત થયેલ ગણાય. પરંતુ ત્યારબાદ કલમ-10(4) હેઠળ જાહેરનામું બહાર પાડી 30 દિવસનો અંદર આવી કાજ જમીનનો કવજો સરકારથી સોંપવા માટે અમલમાં આવેલ નોટીસની સમય પૂર્ણ થયા વગર કવજો સંભાળી શકાતો નથી. આથી તા. 30-3-૯૯ના રોજ કલમ-10(3) કે કલમ- 10(4) હેઠળ બહાર પાડવામાં આવેલ જાહેરનામું / નોટીસથી જાણેલ સમય પૂરો થયેલ હોય તો હવે તેવી વાવતો ઉપર કાર્યવાહી હાથ ધરી શકાય નહિ. પરંતુ કલમ-10(4) હેઠળ બહાર પાડવામાં આવેલ જાહેરનામા/નોટીસથી જાણેલ સમય પૂરો થયેલ ન હોય તો હવે તેવી વાવતો ઉપર કાર્યવાહી હાથ ધરી શકાશે નહીં પરંતુ કલમ-10(4) હેઠળ આપેલ નોટીસથી જાણેલ 30 દિવસની સમયમર્યાદા પૂરો થયેલ હોય તેમ છતાં કાજ જમીનનો કવજો તા. 30-3-૯૯ મુખીમાં લેવામાં આવેલ ન હોય તો હવે તા. 30-3-૯૯ પછી તેવી જમીનોનો કવજો લેવા કાર્યવાહી કરી શકાશે નહીં આમ છતાં, કોઈ જમીનધારકે તેની સમયમર્યાદા પૂર્ણ થતાં પહેલાં સ્વેચ્છિક રીતે / આપમેલે કાજ જમીનનો કવજો સોંપેલ હોય તો તેવા કેસોને કાચલો રદ થવાથી અસર થશે નહીં.

ટૂંકમાં તા. 30-3-૯૯ મુખીમાં જે કાજ જમીનનો કવજો લઈ લેયેલ હોય/પ્રાપ્ત થયેલ હોય તે સિવાયની તમામ કેસોની કાર્યવાહી જે તે તપકડે બંધ પડેલ ગણાશે અને તેવા

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કેસોમાં તે મુજબની તથા સંબંધિત જમીનધારક તથા સંબંધિત કચેરાઓને લેખિતમાં જાણ કરવાના રહેશે.

(ગ) મુખ્ય અધિનિયમનો કલમ-૧૧.૧૨.૧૩ અને ૧૪માં ફાજલ જમીનના વખતર મંજૂરી કાનૂની કાર્યવાહી સંબંધે જોગવાઈ હતી. રાજ્યમાં તા.૩૦-૩-૯૯થી અમલી બને. ઉપરોક્ત શહેરો જમીન (ટોચપયદિ અને નિયમન) રદ કરવા બાબત અધિનિયમ-૧૯૯૯નો કલમ-૪ હેઠળના પરંતુકની જોગવાઈ મુજબ જે ફાજલ જમીનનો કચ્છો રાજ્ય સરકારે સંભાળી લીધો હોય તે ફાજલ જમીનને લગતાં વખતરની બાબતો મેટલે કે, મુખ્ય અધિનિયમનો કલમ-૧૧.૧૨.૧૩ અને ૧૪ને લગતી કાનૂની કાર્યવાહી કોર્ટ, ટ્રીબ્યુનલ અથવા કોર્ટપથ સત્તામંડળ સમક્ષ તા.૩૦-૩-૯૯ના રોજ પડતર હોય તો તેની કાર્યવાહીને બાધ આવશે નહીં મેટલે કે, તેવી કાનૂની કાર્યવાહી ચાલુ રહેશે. આથી ફાજલ જાહેર થયેલ જમીનો કે જેનો કચ્છો રાજ્ય સરકારે સંભાળી લીધો હોય તેના વખતરની ચૂકવણી મંજૂરી જે કોઈ કાનૂની કાર્યવાહીના કસો સમય અધિકારી કક્ષાએ, ટ્રીબ્યુનલ કક્ષાએ, વિભાગ કક્ષાએ કે અન્ય કોઈ કોર્ટમાં પડતર હોય તે મંજૂરી થાકી સર્વ સમય અધિકારીઓએ તૈયાર કરી તેની અધ્યતન પ્રગટિની સિદ્ધિ તેવા કેસો આપરી કરવા પ્રયત્ન કરી શકાય.

મુખ્ય અધિનિયમનો કલમ-૨૦(૧) હેઠળ આપવામાં આવેલ મુક્તિના હુકમો અથવા તે હેઠળ લેણેલ કોર્ટપથ પત્રોની કાયદેસરતાને રદ થવા બાબતની અસર થશે નહીં આથી આવો કલમ-૨૦(૧) હેઠળની મુક્તિઓ ચાલુ રહેશે અને તેથી મુક્તિની શરતોનું પરોપાલન થાય તે માટે મોનિટરિંગનું ધ્યાન આપવાનું રહેશે.

આથી તા.૩૦-૩-૯૯ સુધીમાં આપેલ કલમ-૨૦(૧) હેઠળની તમામ મુક્તિઓ ચાલુ રહેશે અને તેવી મુક્તિઓના કેસોમાં તેની શરતોનું ચર્ચા પરોપાલન થાય તેવી દેખરેખ અને નિયમનની તકેદારી રાખવાની રહેશે પરંતુ, તેવી કલમ-૨૦(૧) હેઠળની મુક્તિના શરતલગના કેસોમાં તેવી મુક્તિ રદ કરવા માટેની મુખ્ય કાયદાની કલમ-૨૦(૨) હેઠળની જોગવાઈ અમલમાં રહેતી ન હોવાથી શરતલગના કેસોમાં મુક્તિ રદ કરી શકાશે નહીં. તેજ રીતે મુક્તિ ધારકની વિનંતીથી મુક્તિ રદ કરવા મંજૂરી પણ કોઈ વિચારણા તા.૩૦-૩-૯૯ પછી હાથ ધરી શકાશે નહીં.

ઉપરોક્ત સિદ્ધિઓ તા.૩૦-૩-૯૯ના રોજ કલમ-૨૦(૧) હેઠળની નિકાલ વાકોની માંગણી મંજૂરી નિકાલ વાકી કાર્યવાહી બંધ પડેલી ગણાશે. તેના અનુસંધાને કોઈ આગવ કાર્યવાહી હાથ ધરી શકાશે નહીં. તેથી આવો કલમ-૨૦(૧) હેઠળ મુક્તિની માંગણીના પડતર કેસોમાં તે કાર્યવાહી જે તે તબક્કે બંધ પડેલ ગણવાની હોવાથી સંબંધિત માંગણી ધારકને અને સંબંધિત કચેરાઓને તે મુજબની લેખિત જાણ કરી તેના પત્રની મેક નકલ મૂલ કાઢવ સાથે રાખી આવવા પ્રકરણો જે તે કચેરામાં દફતરે કરવા.

(ચ) મુખ્ય અધિનિયમનો કલમ-૨૧ હવે રદ થશે આથી કલમ-૨૧ હેઠળના પડતર પ્રકરણોની

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કાર્યવાહી જે તે તબક્કે બંધ પડેલ ગણાશે તેમાં કોઈ અગત્યની કાર્યવાહી કરવાની રહેતી નથી. 'વધુમાં' કલમ-૨૧ની વાક્યો સર્વે-૧૯૯૯ના ઉપરાંત અધિનિયમની કલમ-૩માં પણ અપવાદ તરોડે ગણવામાં આવેલ નથી તેથી તેવી કલમ-૨૧ હેઠળ મંજૂર થયેલ યોજનાઓ વાવટમાં પણ મૂલ કાયદા મુજબ નિયંત્રણ રહેશે નહીં.

આ વાવટ ઉપરથી એક પ્રશ્ન ઉપસ્થિત થયો છે કે, તા.૩૦-૩-૯૯ સુધીમાં કલમ-૨૧ હેઠળની યોજના મંજૂર કરવા અંગેની દરખાસ્તોની પૂર્વ મંજૂરી મળેલ હોય પરંતુ સક્ષમ અધિકારીઓ દ્વારા મંજૂરી અંગેના હુકમો થયેલ ન હોય તો તેવા કેસમાં હવે કોઈ હુકમો કરવાના રહેતા નથી તેમ જાણવામાં આવે છે, આ ઉપરાંત જે કેસોમાં તા.૩૦-૩-૯૯ સુધીમાં કલમ-૨૧ની યોજના મંજૂર કરતા હુકમો થયેલ હોય પરંતુ, બીનખેતી માટે કલેક્ટરશ્રી દ્વારા તા.૩૦-૩-૯૯ સુધીમાં હુકમો થયેલ ન હોય તો તેવી જમીનોના કેસમાં પ્રોપીયમની રકમની વસુલાત વાવટ સ્પષ્ટતા કરવામાં આવી કે, હવે કલમ-૨૧ અસ્તિત્વમાં રહેતી નથી ત્યારે તા.૩૦-૩-૯૯ પછી કલેક્ટરશ્રી દ્વારા બીનખેતીની પરવાનગી આપવાના કેસો અંગે સહેરો જમીન ટોચમયલિની મુખ્ય અધિનિયમની જોગવાઈઓને હવે ધ્યાને લેવાની રહેશે નહીં અને તે અવરોધો જે તે કોઈ સુચનાઓ હોય તે રદ ગણવાની રહેશે. તેથી પ્રોપીયમની વસુલાત વાવટ પ્રવર્તમાન જે તે કાયદાની જોગવાઈઓ મુજબ અન્ય કિસ્સાઓની સમકક્ષની કાર્યવાહી કરવાની રહેશે.

આમ છતાં કલમ-૨૧ હેઠળની મંજૂર થયેલ યોજના સંબંધી બીનખેતીની પરવાનગીની માંગણી તા.૩૦-૩-૯૯ પહેલાં કલેક્ટરશ્રીને કરેલ હોય અને તેઓની પાસે પડતર હોય અને કાયદે અને કલમ-૨૧ રદ થવા છતાં જમીનધારક તે મૂલ ચરતો/નિયમોને આધારે કરવા માગતા હોય તો તે માત્રવપુર્ણ સોલ્ડનામું સંબંધિત જમીનધારક પાસેથી લઈ સહેરો જમીન ટોચમયલિ દ્વારા હેઠળની સુચનાઓ મુજબ પ્રોપીયમની રકમ લઈ બીનખેતી પરવાનગી આપી શકશે પરંતુ, ત્યારબાદ કલમ-૨૧ મુજબની ચરતોનું પાલન ન થાય એટલે કે, જમીન ધાર તો સંબંધિત જમીનધારકે મેળવેલ પ્રોપીયમની ઓછી રકમ ભરવાનો લીધે આપોઆપ રદ થશે અને તેથી પ્રોપીયમની સર્વ સામાન્ય દરે યતી રકમ ભરવાની થશે તેમ જોગવાઈ રાખવાની રહેશે.

કલમ-૨૧ની ચરતલેખના તથા મુક્ત વધારાની માંગણીના વગેરે નિકાલ થાકી કેસોનો જે તે કક્ષાને મોકલવામાં ગણાશે એટલે જે તે કચેરો પાસે તે જે કક્ષાને પડતર હોય તે કક્ષાને બંધ ગણી તે મુજબની લેખિત જાણ સંબંધિતોને કરી તેની એક નકલ મૂલ કાગળો સાથે રાખી દફતરે કરવાની રહેશે. આ ઉપરાંત આવી કલમ-૨૧ની દરખાસ્તો અધિકારક ઇન્ચાર્જો કે પાસ કરજ પરના અધિકારીઓ (સમીક્ષા) કક્ષાને સિચારણા હેઠળ હોય તે પણ સંબંધિત સક્ષમ અધિકારીઓને પરત મેળવો અને સંબંધિતોને જરૂરી જવાબ પાઠવવાનો રહેશે.

(૭) મુખ્ય અધિનિયમની કલમ-૨૨ હેઠળ અનુક્રમિત સંજોગો હેઠળ માલી જમીન રાખવા દેવા વાવટ જોગવાઈ હતી જે હવે રદ થશે આથી કલમ-૨૨ને લગતી કાર્યવાહીના કેસો જે તે તબક્કે બંધ પડેલા ગણાશે અને જે તે કચેરો પાસે પડતર હોય તે વાવટ સંબંધિત જમીન ધારકને લેખિત

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જવાબ પાડવી તેની મુજબ નકલ કાઢવો સાથે જામી કાઢવો દસ્તાવેજ કરવાનો હેતુ છે.
 (૧) મુખ્ય નિયમનિયમની કલમ-૨૩ હેઠળ શહેરો જમીન ટોચમથક દ્વારા હેઠળ રાજ્ય સરકારને સંપ્રાપ્ત થયેલ અને જેનો કબજો ખેલવેલ હોય તેવી જમીનના નિકાલ વાવતેની જે જોગવાઈ હતી તે હવે રદ થયે. પરંતુ, જે કેસોમાં કલમ-૨૩ હેઠળ જમીનનો કાબજી અને રાજ્ય સરકાર તરફથી દરખાસ્તો મંજૂર કરી ઓફર લેટર આપવામાં આવેલ હોય અને માંગણીદાર તરફથી જમીનનો કિંમત ભરપાઈ કરવામાં આવેલ હોય તેવી જમીનોનો કાબજીના આદેશો કરવા અનેનો માગણી કાર્યવાહી હાથ ધરી સકાય.

કલમ-૨૩ હેઠળ રપ ચો.મી.ના પ્લોટોનો કાબજી વાવતે સ્પષ્ટતા કરવાનો કે રાજ્ય સરકારનો પ્રવર્તમાન મુચના પ્રમાણે રપ ચો.મી.ના પ્લોટો કાબજીવાને બદલે તૈયાર મકાનો કાબજીવાની નીકિત પ્રમાણે હાલ નવા પ્લોટોનો કાબજી કરવાની રહેતી નથી. જો કોઈ લાંબાચો તરફથી મરજી કરવામાં આવે તો તેવી મરજી સ્વીકારી પહોંચ આપવી પરંતુ, તે સંબંધી કોઈ રકમ સ્વીકારવી નહીં.

તારાંતરમાં શહેરો મરજી માટે આવક નિર્માણ કરવા શહેરો જમીન ટોચમથક કલમની જમીન કાબજીવામાં આવેલ છે તેમાં સક્ષમ મધિકારોથી પાસેનો ચાહી ઉપરના ચાલાયોને મજતાના ધોરણે સમાવી લેવા માટે સંબંધિત મુનિસિપલ કોર્પોરેશનને મુચના આપવા શહેરો નિકાલ નિલામનો પરામર્શ કરવામાં આવશે.

(૩) મુખ્ય નિયમનિયમની કલમ-૩૮ મુજબના કેસો વાવતમાં આવ્યા કેસોમાં સંબંધિતો સાથે કાઢવ કરવામાં આવે ચાર્જીટમાં મુખ્યત્વે માઈ.પો.સા.ની કલમ હેઠળ મુનો લખવ કરવાની કાર્યવાહી કરવામાં આવેલ છે. આથી જ.જ.ટો.મ. ધારો રદ થતાં તે દ્વારા પ્રિવાયની મન્ય કાયદાઓની સંબંધિત કલમો અનેનો કાર્યવાહી ચાલુ રહે છે તેથી નાયબ કલેક્ટરશી, લેડેરો એકમ દ્વારા, આવ્યા કેસોની ચાહી ખેલવી તેની સિમતો જેમાં માત્ર કરીને ક્યા કાયદાની કઈ કઈ કલમો હેઠળ મુનો લખવ કરવામાં આવેલ છે તેની સિમતો સાથેનું પત્રક તૈયાર કરી તે વાવતેની સિમતવાર દરખાસ્તો તૈયાર કરી મોકલી આપવા નાયબ કલેક્ટરશી (લેડેરો એકમ)ને મુચના આપવામાં આવેલ છે. તેઓ તરફથી સિમતો મળે તે દરખાસ્ત જૂદ નિલામનો પરામર્શ હાથ ધરીને જરૂરી સિમેષ મુચનાઓ હવે પછી આપવામાં આવશે.

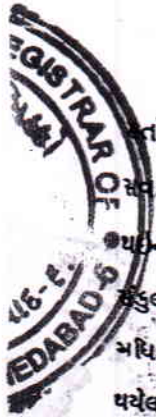
(૨) મુખ્ય કાયદાની કલમ-૩૩ અને ૩૪ વાવતેની હવે પછીની કાર્યવાહી અનેનો સિમતો ઉપર મુચનોમાં આવરી લેાયેલ છે તે પ્રમાણે મુચરવાનું રહેશે.

(૫) રાજ્યમાં મુખ્ય નિયમનિયમ એટલે કે, તા.૧૭-૨-૭૬થી તા.૩૦-૩-૯૯ સુધી શહેરો જમીન (ટોચમથક અને નિયમન) નિયમનિયમ-૧૯૭૬ અમલમાં હતો ત્યારે રાજ્યના શહેરો જમીન ટોચમથક દ્વારા ચાલુ પડતા ૭ શહેરો સંકુલ સિતારોમાં શહેરો જમીન ટોચમથક દ્વારા હેઠળના ના-વાઈલા પ્રમાણપત્ર વગર લેવાયેલોના રજીસ્ટ્રેશન અને મનાઈ કરમાવવામાં આવેલ તેવા ૭ શહેરો

pmv



સંકુલ વિસ્તારના દસ્તાવેજ રજીસ્ટ્રેશન માટે સહેરો જમીન ટોચમયદિ ધારા હેઠળનો બેન. બી. સી. ડે
પરવાનગી હવે મેળવવાની રહેશે નહીં. તે મુજબની સુચના આઈ. જી. આર. મારફતે સર્વે નોંધણી
રજીસ્ટ્રારોને પાઠવવાનું જરૂરી બને છે. પરંતુ, સહેરો જમીન ટોચમયદિ ધારા હેઠળ કાજ થઈ
રાજ્ય સંપ્રાપ્ત જે જમીનોનો કબજો રાજ્ય સરકારે સંભાળી લીધેલ હોય પરંતુ, તેની નોંધ એડ યા
પોતા કારણસર રેકર્ડમાં થઈ ન હોય અને જમીનધારક તેવી જમીનના દસ્તાવેજ કરી જાય નહીં
તેવી તહેદારી રાખવા જે તે જમીન સરકાર સંપ્રાપ્ત થઈ અને કબજો સંભાળી લેવામાં આવેલ હોય
તેવી તમામ જમીનોનું લેસ્ટ તાલુકાલિકા જે તે તલાટી તથા સીટો સર્વે કરેરોને મોકલવી તેવી તમામ
જમીનો જે તે રેકર્ડમાં સરકારના નામે ચડાવવા આથી સુચના આપવામાં આવે છે અને સંબંધિત તમામ
સવરજીસ્ટ્રારોને સરકારને સંપ્રાપ્ત થયેલ તમામ જમીનો અંગેનું લેસ્ટ મોકલવી તેવી કોઈ જમીનના
વેચાણ અને મૂલ જમીનધારક વેચાણ દસ્તાવેજ ન કરાવે તેની તહેદારી રાખવા જણાવવું.



આથી હાલ તુરત સહેરો જમીન ટોચમયદિ ધારો-૧૯૭૬ જે ૭ મોટાં સહેરો સંકુલોમાં લભ
તો તે વિસ્તારોમાં મિલકતની નોંધણીના દસ્તાવેજો નોંધાવવા માટે આવેલ ત્યારે તે સંદર્ભમાં
જમીન સરકાર સંપ્રાપ્ત થઈ અને તેનો કબજો સરકાર દ્વારા સંભાળેલ નથી તે મતવવનું જે તે સહેરો
સંકુલના સભ્ય અધિકારીનું પ્રમાણપત્ર મેળવવાનું રહેશે. દરમિયાનમાં દરેક સહેરો સંકુલના સભ્ય
અધિકારીઓ પાસેથી સહેરો જમીન ટોચમયદિ ધારો-૧૯૭૬ હેઠળ સરકારમાં નિહિત થઈ સંપ્રાપ્ત
થયેલ જમીનોનો કબજો સરકારે સંભાળી લીધેલ છે તેવી દરેક જમીનની સિમ્તોની યાદી તૈયાર
કરાવે તેની સિમ્તો દરેક નોંધણી કરેરોને મોકલવામાં આવશે. એટલે તે યાદીઓ તૈયાર થાય
ત્યાં મુધી વચગાળાની વ્યવસ્થા તરીકે ઉપર મુજબ સરકાર અધિકારીઓના પ્રમાણપત્ર મેળવવાની પ્રથા
રાખવાની રહેશે.

ઉપરોક્ત વહીવટીય સુચનાઓ/સ્પષ્ટતાઓ વાંચત અથવા તે સિવાયના અન્ય પુદ્ગલો અંગે જરૂર
જણાય ત્યાં તેવી સ્પષ્ટતાઓ/માર્ગદર્શન માટે મહેસૂલ વિભાગને રેકર્ડ નહ કરવાનો રહેશે. જે અનુસંધાને
વિભાગ દ્વારા જરૂરી ચકાસણી કરી અને યોગ્ય તે જરૂરી વધુ સ્પષ્ટતાઓ/સુચનાઓ વહાર પાડવામાં
આવશે તેની નોંધ લેવા સંબંધિત સર્વેને આથી જણાવવામાં આવે છે.

ગુજરાતના રાજ્યપાલશ્રીના હુકમથી અને તેમના નામે,

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મે. જે. સાહ

સંકુલ સભ્ય,

મહેસૂલ વિભાગ, ગુજરાત સરકાર.

પ્રતિ.

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(૧) કલેક્ટરશ્રી

જિલ્લો:- અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર

(૨) જિલ્લા વિડાક્ત મંડળીશ્રી

જિલ્લો:- અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર

(૩) મ્યુનિસિપલ કમિશનરશ્રી

મ્યુનિસિપલ કોર્પોરેશન

અમદાવાદ/વડોદરા/રાજકોટ/સુરત/જામનગર/ભાવનગર.

(૪) મુખ્ય કારોવારી મંડળીશ્રી,

શહેરી વિડાક્ત/વિસ્તાર સત્તા મંડળ.

અમદાવાદ/રાજકોટ/વડોદરા/સુરત/જામનગર/ભાવનગર.

(૫) જિલ્લા રજીસ્ટ્રારશ્રી, સહકારી મંડળીશ્રી

જિલ્લો:-

અમદાવાદ/વડોદરા/રાજકોટ/સુરત/જામનગર/ભાવનગર.

(૬) નોંધણીના સ્વયં રજીસ્ટ્રારશ્રી

જિલ્લો:-

અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર

(૭) સોટી સર્વે સુપ્રિન્ટેન્ડન્ટશ્રી

અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર

(૮) પ્રાથમ કરજ પરના મંડળીશ્રી (સમીક્ષા),

જામનગર મુદ્દારણા કમિશનરશ્રીની કચેરી,

લોડ-૧૧/૯મો માળ, સચિવાલય, ગાંધીનગર.

(૯) સત્તામંડળીશ્રી અને મંડળી/નાયબ કલેક્ટરશ્રી,

શહેરી જામનગર ટોચમથકની કચેરી,

અમદાવાદ/રાજકોટ/વડોદરા/સુરત/જામનગર/ભાવનગર.

(૧૦) નાયબ કલેક્ટરશ્રી (તહેસીલ મેડમ),

જામનગર મુદ્દારણા કમિશનરશ્રીની કચેરી, લોડ-૧૧/૯મો માળ, સચિવાલય, ગાંધીનગર.

✓ (૧૧) વિભાગની વ-૧, વ-૧ (ઉદ્યોગ), વ-૨, વ-૩ અને વ-૪ શાખા, મહેસૂલ વિભાગ.

(૧૨) સોલેક્ટ કાઉન્ટ.

(૧૩) નાયબ સેક્શન મંડળીશ્રી-સોલેક્ટ કાઉન્ટ.

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Ashok M. Patel
NOTARY

Date 20

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પરંતુ મુખ્ય અધિનિયમના કલમ-૧૨,૧૨.૨૩ અને ૧૮ ની અનુસાર કાર્યવાહી જટિલ હોવા છતાં પણ નિયમિત રીતે રાજ્ય સરકારના નિર્દેશો અનુસાર કાર્યવાહી કરવામાં આવે છે. સત્તામંડળે હાલથી હોય તેને લાગે-વળગે છે તેટલે સુધી આવી કાર્યવાહીને આ કલમ હાલુ પડતી નથી. જો કલમ-૨૦(૨) હેઠળની કાર્યવાહીને અપવાદ(સિવાઈ) તરીકે ગણવામાં આવેલ નથી. તેથી મૂળ કાયદાની કલમ-૨૦(૧) હેઠળ અપાયેલ મુક્તિઓના કેસોમાં શરતભંગ સમજાવેલ કલમ-૨૦(૨) હેઠળ કાર્યવાહી હાથ ધરી શકાતી નથી તેમજ હાથ ધરેલ આવી કાર્યવાહીનો પણ અંત આવેલ ગણાય છે. આથી આવી મૂળ કાયદા હેઠળ અપાયેલ મુક્તિઓના તમામ હુકમોમાં લાદવામાં આવેલી શરતો અને નિયંત્રણો આથી ઉઠાવી લેવામાં આવે છે. અને શહેરી જમીન (ટોચ મર્યાદા અને નિયમન) અધિનિયમ-૧૯૭૬ સિવાયના અન્ય અમલમાં હોય તે કાયદાઓ હેઠળના નિયંત્રણ/શરતો/જોગવાઈઓ યથાવત લાગુ રહેશે.

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કલમ-૨૧ ની આવાસ યોજના બાબતે

શહેરી જમીન (ટોચ મર્યાદા અને નિયમો) અધિનિયમ-૧૯૭૬ ની કલમ-૨૧ હેઠળ મંજૂર કરવામાં આવેલ આવાસ યોજના સંદર્ભમાં હવે જયારે કલમ-૨૧ પણ ૨૬ થઈ હોવાથી તેવી જે કોઈ આવાસ યોજના મંજૂર થયેલ હોય તે અંગે તેવી યોજનાઓ નિયત સમયમાં પૂર્ણ થયેલ ન હોય કે તેમાં શરતભંગ થાય ત્યારે તે સંદર્ભમાં આવી આવાસ યોજના ઓ અંગે પગલાં લેવાની કોઈ જોગવાઈ કાયદો ૨૬ થઈ ગયો હોવાથી રહી જાય. આમ, કલમ-૨૧ ની નબળાવર્ગના લોકો માટેની આવાસ યોજના જે-જે જમીનના કેસોમાં મંજૂર કરવામાં આવી હોય અને તે આવાસ યોજનાની મંજૂરી આપતાં હુકમોમાં જે શરતો અને નિયંત્રણો લાદવામાં આવ્યા હોય તેના ભંગ થાય ત્યારે તેવી શરતોના પાલન માટે કોઈ જોગવાઈ ન હોવાથી તથા શહેરી જમીન (ટોચ મર્યાદા અને નિયમન) ૨૬ કરતો અધિનિયમ-૧૯૯૯, ની કલમ-૪ ની ઉપર જણાવેલ જોગવાઈ જોતાં કલમ-૨૧(૨) હેઠળ મંજૂર કરેલ કલમ-૨૧ની યોજનાઓ અંગે લાદવામાં આવેલી શરતો અને નિયંત્રણોના ભંગ થઈલ કલમ-૨૧(૨) હેઠળ કાર્યવાહી હાથ ધરી શકાતી નથી તેમજ હાથ ધરેલી આવી કાર્યવાહીનો પણ અંત આવેલો ગણાય છે. આથી મૂળ કાયદાની કલમ-૨૧ હેઠળ મંજૂર થયેલી આવાસ યોજનાઓના કેસોમાં મંજૂરીના હુકમોથી લાદવામાં આવેલી શરતો અને નિયંત્રણો પણ આથી ઉઠાવી લેવામાં આવે છે. અને શહેરી જમીન (ટોચ મર્યાદા અને નિયમન) ૧૯૭૬ અધિનિયમ સિવાયના અન્ય અમલમાં હોય તે કાયદાઓ હેઠળના નિયંત્રણો/શરતો/જોગવાઈઓ યથાવત લાગુ રહેશે. આન છતાં જ્યાં જ્યાં આવી શરતો અને નિયંત્રણોનો ભંગ થયો હોય ત્યારે પરંતુ આવી આવાસ યોજના મૂળભૂત રીતે આર્થિક રીતે નબળા વર્ગના લોકોના રહેણાંક માટેની હોવાથી તે યોજના હેઠળના મકાનોના દસ્તાવેજોમાં કે તબદીલી સમયે ભરવાની થતી સ્ટેમ્પની ફી ની રકમ કે આવી જમીનની બિનખેતી માટે વસૂલ કરવાની ડિમીયમની રકમમાં અમોંઈ મળતી રાહત મળવાપાત્ર થશે નહીં. તેથી આવા પ્રસંગે તેવો રાહત દર નહીં લેતા અન્ય કિસ્સાઓને લાગુ પડતાં સામાન્ય દર આ કિસ્સાઓમાં પણ લાગુ પાડવાના રહશે અને તેઓને કલમ-૨૧ ની આવાસ યોજના તરીકે મળતા આવા રાહતદરની કોઈપણ લાભ મેળવવાનો હક રહેતો નથી તે બાબતે રાખી કાર્યવાહી કરવાનું રાખવું.

ઉપર મુજબની વિગતે હવે આ ઠરાવમાં વંચાણ લીધેલા સરકારશ્રીના મહેસૂલ વિભાગના તા: ૩૦/૯/૯૯ ના પરિગત ક્ર:પુએલસી-૧૦૯૯-૧૦૪૦-વ.૬ ના કકરા-૪ માં કરેલી જોગવાઈ પ્રમાણે જ્યારે વિવિધ સત્તાધિકારી સમક્ષ જમીનધારક જમીનોની તબદીલી અંગે સાચાપત્ર અથવા તબદીલી દસ્તાવેજની નોંધણી કરાવવા અથવા ૨૬ ન થઈ શકે તેવા કુલ મુખત્તરનામાની નોંધણી માટે રજુ કરવામાં આવે ત્યારે

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અથવા પાસ કરાવવા નહીં જમીનની મંજૂરી મેળવવા દરખાસ્ત કરે ત્યાં નોંધાયેલી જમીન
જો કલમ-૨૦ (૧) હેઠળ મુકેલ મળેલ હોય તો તેવી મુકિતના હુકમની શરતોનો કલમ-૨૧ ની મુજબ
પોજના મજૂર થયેલ હોય તો તેવી આવાસ પોજનાની શરતોનો ભંગ થતો નથી ત મતલબનું સોંપાયેલું
સંબંધીત જમીનધારક પાસેથી લેવાની પ્રવર્તમાન જોગવાઈ તેટલા પુરતી રદ કરવામાં આવે છે.
ગુજરાતના રાજ્યપાલશ્રીના હુકમથી અને તેમના નામે



એમ.ડી.રાવલ.
નાયબસચિવ
મહેસૂલવિભાગ,ગુજરાત સરકાર.

પ્રતિ.

- (૧) કલેક્ટરશ્રી,
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર
- (૨) જીલ્લા વિકાસ અધિકારીશ્રી
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર
- (૩) મ્યુનિસિપલ કમિશનરશ્રી, મ્યુનિસિપલ કોર્પોરેશન,
અમદાવાદ/વડોદરા/રાજકોટ/સુરત/જામનગર/ભાવનગર
- (૪) સુપ્રિન્ટેન્ડેન્ટ ઓફ સ્ટેમ્પસ અને નોંધણી-સરનિરીક્ષક,
અને નોંધણી ભવન, સેક્ટર-૧૩, ગુજરાત રાજ્ય, આંધીનગર
- (૫) મુખ્ય કરોબારી અધિકારીશ્રી, શહેરી વિકાસ/વિસ્તાર સત્તામંડળ
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર
- (૬) નોંધણીના સબ રજીસ્ટ્રારશ્રી,
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/ભાવનગર/જામનગર
- (૭) જીલ્લા રજીસ્ટ્રારશ્રી, સહકારી મંડળીઓ,
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/ભાવનગર/જામનગર
- (૮) સીટી સર્વે સુપ્રિન્ટેન્ડેન્ટશ્રી,
અમદાવાદ/વડોદરા/સુરત/રાજકોટ/જામનગર/ભાવનગર
- (૯) અધિક/નાયબ કલેક્ટરશ્રી અને સહાય અધિકારી
શહેરી જમીન ટોચ મધ્યમ શાખા, કલેક્ટર કચેરી,
અમદાવાદ/વડોદરા/રાજકોટ/સુરત/જામનગર/ભાવનગર.
- (૧૦) મદદનીશ કમિશનરશ્રી,
જમીન સુધારણા કમિશનરશ્રીની કચેરી, બ્લોક નં. ૧૧, ૯ મો માળ, સચિવાલય, આંધીનગર
- (૧૧) વિભાગની વ.૧, વ.૧ (ઉદ્યોગ), વ.૨, વ.૩. અને વ.૪ શાખા,
મહેસૂલવિભાગ, સચિવાલય, આંધીનગર.
- (૧૨) સીલેક્ટ કાઉન્ટ
- (૧૩) નાયબ સેકશન અધિકારીશ્રી, સીલેક્ટ કાઉન્ટ

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NOTARY

Date _____ 20

જાહેર: અમદાવાદ

ગામ નમુનો નંબર 5 - હક પત્રક

તારીખ: અમદાવાદ

ગોજ: દેવીયાપુર-ઠાઓપુર

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નોંધ નં :
તારીખ :
ફેરફાર નો પ્રકાર:

નોંધની વિગત

૧૯૭૭૫

15/03/2017

કુટમબી

19/05/2017

14/03/24 ની તિથિએ

મોજ દેવીયાપુર-ઠાઓપુર તા.અમદાવાદ ના માજીલમી જણાવેલ દી.વી.નં. ના શ્રી.યોદે નં.૩૮/૧, દી.વી.નં. ના શ્રી.યોદે નં.૩૮/૧/૧, દી.વી.નં. ના શ્રી.યોદે નં.૩૮/૧/૨, દી.વી.નં. ના શ્રી.યોદે નં.૩૮/૧/૫ વાળી જમીન થી IN THE HIGH COURT OF GUJARAT AT AHMEDABAD MISC.CIVIL APPLICATION (FOR REVIEW) NO. 630 OF 2017 IN LETTERS PATENT APPEAL NO.1458 OF 2015 IN SPECIAL CIVIL APPLICATION NO. 1403 OF 1991 DATE 02-03-2017 ના રોજ નીચે મુજબ કુટમ કરેલ છે.

ORAL ORDER

Heard shri Prakash K. Jani, learned Additional advocate General assisted by Shri Dhawan Jaywal, learned Assistant Government pleader for the applicants, and shri Navin Pahwa, learned counsel appearing for the respondent. Dismissed vide separate order. અરજદારની અરજી તથા કુટમ આપે છે કુટમ મુજબ નોંધ કરી.

ફેરફારને સંબંધિત મરદા/બીજા નંબર અને પેટા કિમી તથા તેનો ખાતા નંબર

01૮૧૩૮/૧(૩૬૬),
01૮૧૩૮/૧/૧(૩૬૬),
01૮૧૩૮/૧/૨(૩૬૬),
01૮૧૩૮/૧/૫(૩૬૬)

અગાઉની નામજર નોંધની કમીઠ/તારીખ



તપાસવાની કરનાર અધિકારી નો રીત અને મહિના/તારીખ તથા નામ/ હિતો

પ્રમાણિત

તા.અદાર ગુજરાત ઠાઉબોટ ના કુટમ નં. MISC.CIVIL APPLICATION (FOR REVIEW) NO. 630 OF 2017 ના આપે છે કુટમની નોંધ બીજા કુટમ રાખવા --પ્રમાણિત--
મહી ચેન્દ્રશેખર, વૈદીયા ઈન્ડિયા. સં. યોદે. દ. શ્રી. તા. ૧૨-૦૫-૨૦૧૭

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Ashok M. Patel
NOTARY
Date 17-10-2018



દા અપનાર કચેરી: મામલતદાર કચેરી યાદલોડીયા
કચેરી: રાજકોટ મુકાબા-વિજાન કોર્ટ, ગુજરાત રાજ્ય

નોંધ નં: તારીખ: ફેરફાર નો નંબર:	નોંધની વિગત	ફેરફારને મંજૂર મરદખાની નંબર અને ઘટા ડિપો નંબર નોંધી ખાતા નંબર	અગાઉની નામજાર નોંધની સમાપ્તિ/તારીખ	તપાસણી કરનાર અધિકારી નો શીરો અને સહી/તારીખ તથા નામ/ શીરો
૧૬૭૮૭ 12/07/2017 ફૂંમદા 08/02/2018 14/07/17 ની રજીનામી	મીજા : દેશીયાપુર-શાંતીપુર તા.અમદાવાદ ના ડી.વી.નં. ૬ શ.વોટી.નં. ૩૮/૧/૧ યાદી જમીનખા IN THE HIGH COURT OF GUJARAT AT AHMEDABAD LETTERS PATENT APPEAL NO. 1458 of 2015 In SPECIAL CIVIL APPLICATION NO. 1403 of 1991 With CIVIL APPLICATION NO. 13196 of 2015 In LETTERS PATENT APPEAL NO. 1458 of 2015 FOR APPROVAL AND SIGNATURE: HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY and HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI ***** 1 Whether Reporters of Local Papers may be allowed to see the Judgment ? 2 To be referred to the Reporter or not ? 3 Whether their Lordships wish to see the fair copy of the Judgment ? 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ? ***** MAMATABEN D/O NAROTTAM CHANDULAL ZAVERI...Appellant(s) Versus URBAN LAND TRIBUNAL AND EX-OFFICIO SECRETARY & 2....Respondent(s) ***** Appearance: નં આપનાર ડેપુટી: મામલતદાર કચેરી દાખલોડીયા અને : રાજીવ ચંદ્રસેન વિજાન કંન્સ, ગુજરાત રાજ્ય	AHD-6/NRD 20303 115/143 2018 01/08/19/19365, 01/08/19/19365)	ASHOK M. PATEL INDIA GUJARATI NOTARY	નામજાર ના.શ્રીશાંતી કુશલ આધારે અગાઉ નોંધ નં.૧૯૭૭૫ પડેલી છે. તથા પ્રમાણિત કરવામાં આવેલી છે. જેથી શાંતીના તબક્કે જેજ ફૂંમદાની નોંધ ફરી પડેલ હોઈ --નામજાર-- સહી શી.ડી.મોદી મામલતદાર અમદાવાદ તા.૦૮-૦૨-૨૦૧૮ PMV Wdk Pr



જાહેર નં : તારીખ : ફેરવાર નો વાર:	જાહેર નિવાર	ફેરવારને મળેલ મરજી/બીજા નંબર અને ઘેરા કિમ્મી નંબર તેનો ખાતા નંબર	અગાઉની નોંધણ જાહેર નંબર/તારીખ	તમામથી ફેરવાર અધિકારી નો નો અને અધિકારી તમા નામ લેલો
	SHRI NAVIN PAHWA, ADVOCATE FOR MESSRS THAKKAR AND PAHWA ADVOCATES, ADVOCATE for the Appellant(s) No. 1, SHRI DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 3. NOTICE SERVED for the Respondent(s) No. 1 - 2 CORAM: HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY and HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI Date : 01/12/2016 CAV JUDGMENT (PER : HONOURABLE THE CHIEF JUSTICE MR. R.SUBHASH REDDY) This Letters Patent Appeal under Clause 15 of the Letters Patent is filed by the original petitioner in Special Civil Application No.1403 of 1991, aggrieved by the judgment of the learned Single Judge dated 07.10.2015. 2. Special Civil Application No.1403 of 1991 was filed with the prayers which read as under: "13. (a) The Impugned order of respondent no.1 annexed as Annexure'D be quashed and set aside. (b) It be held and ordered that the petitioner do not hold any excess vacant land; Amendment carried out as per court's order. (BB) Your Lordships may be pleased to issue appropriate writ, order or direction and quashing and set aside the order dated 6.5.1998 / 12.6.1988 passed by the respondent no.2 as being illegal, unjust, arbitrary, and violative of Article 14 of the Constitution of India. (BBB) Your Lordships may be pleased to issue appropriate writ, order or direction (BBB) Your Lordships may be pleased to issue appropriate writ, order or direction	AHD-6/NRD 20303 116 143 2018	ASHOK M. PATEL DISTRICT JUDGE GUJARAT STATE NOTARY	pmv Am.



સદ આપનાર રાજી અપેલન્ટ 5મી ઘડલેડીયા
જેમ્સ : રાજી અપેલન્ટ 5મી ઘડલેડીયા 3મી, ગુજરાત રાજ્ય

નોંધ નં :
તારીખ :
ફેરફાર નો પત્રક:

નોંધની વિગત

ફેરફારને સંબંધિત
મરદે/બીજા નંબર
અને પેરા ડિપોઝી નંબર
તેની ખાતરી નંબર

અગાઉની નામજાર
નોંધની કમી/તારીખ

તપાસણી કરનાર અધિકારી નો રોજો
અને સહી/તારીખ
તથા મીઝા રોજો

declaring that the proceedings have stood abated in view of provisions of Urban Land (Ceiling and Regulation) Repeal Act, 1999 and no further action is permissible to be taken by the authority in respect of subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of final plot No.38 T.P. Scheme No.8 Darlapur Kalpur together with the construction thereon, in the interest of justice and equity.

(c) It may please be ordered that the matter is remanded to respondent no.2 or 3 for fresh hearing according to law.

(d) Pending the final hearing and disposal of this petition, the operation of the judgment dated 31.8.1990 delivered by respondent no.1 be stayed; Amendment carried out as per Court's order.

(DD) Your Lordships may be pleased to stay the implementation, operation and execution of the order dated 6.5.1988/ 12.6.1988 passed by respondent no.2 pending the admission, hearing and final disposal of this petition.

(DDD) Your Lordships may be pleased to restrain the respondent authorities, their agents and servants from taking any coercive action in respect of the subject property being plot of land admeasuring 642.45 sq.mtrs. forming part of Final Plot No.38 T.P. Scheme No.8, Darlapur- Kalpur together with the construction thereon owned by the petitioner, pending the admission, hearing and final disposal of this petition.

(e) Pending the admission, hearing and final disposal of this petition, the further proceedings be stayed and respondent nos.2 and 3 be directed not to proceed further for acquiring and dispossession the petitioner the land in question.

(f) It may please be ordered to call for the records and proceedings of the matter from the respondent nos.1 to 3.

(g) Any other appropriate relief be granted to the petitioner in the interest of justice.

3. The appellant/petitioner has filed declaration form under Section 6(1) of the

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ASHOK M. PATEL
DISTRICT AMEDAVAD
INDIA
NOTARY PUBLIC

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કદ અપનાવે કોર્ટ મામલો નંબર ૬ રોજી યાદગીરીયા
જેમાં : રાજીવ સોલનિ-વિજયભાઈ કાંડ, ગુજરાત રાજ્ય

જાહેર: ખમ દાદા

ગામ નામની નંબર 5 - 55 પાસ

તાલુકો: ખામદા

મોજી: દેવીયાપુર-શાંતી

નોંધ નં: તારીખ: ફરગાર નો પાસ:	નોંધની વિગત	ફરગારને મળેલ મરજીયાતો નંબર અને પેટા ભાગો નંબર	ખામદાની નામકર નોંધની કમીસ/તારીખ	તપાસણી કરનાર અધિકારી નો નામ અને મહિનાતરીખ તથા નામ રોજી
	Land (Ceiling and Regulation) Act, 1976, declaring 1/4th share in the land bearing Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs. with construction thereon admeasuring 277.59 Sq.Mtrs., 80.26 Sq.Mtrs., 38.46 Sq.Mtrs. and 25.08 Sq.Mtrs. She claimed 1/4th share in the aforesaid immovable property. Out of total extent of land admeasuring 2775.52 Sq.Mtrs, her share is shown as 693.88 Sq.Mtrs. This property is situated at Darlapur-Kajipur. She is shown to have 1/4th share in one more property at DarlapurKajipur Sub-Plot No.38-1-3, Final Plot No.38, Town Planning Scheme No.8, admeasuring 601.70 Sq.Mtrs. with construction thereon of 42.14 Sq.Mtrs. and 15.05 Sq.Mtrs. Other lands declared were land admeasuring 877.17 Sq.Mtrs. of Sub-Plot No.4, Final Plot No.240, Town Planning Scheme No.21, situated at Paidl, land admeasuring 219.14 Sq.Mtrs. of sub-Plot No.11, Final Plot No.240, Town Planning Scheme No.21, which is also situated at Paidl, and lands of equal measurements of Sub-plot Nos.2 and 9 respectively of Final Plot No.240 Sq.Mtrs., 775.00 Sq.Mtrs. and 647.14 Sq.Mtrs., total of which comes to 2905.44 Sq.Mtrs. of different city survey numbers shown to be situated in Kalupur-3 and the land of Hansol of Town Planning Scheme No.8 admeasuring 6069.36 Sq.Mtrs. 4. The competent authority while deciding the holding of the appellant-petitioner has considered the share of the appellant-petitioner in the land bearing Sub-Plot No.38-1-2, 38-1-5 and 38-1-4, which were not declared by the appellant- petitioner. The competent authority has taken total land of Plot No.38 of Town Planning Scheme No.8 situated at Darlapur-Kajipur as 5442.94 sq meters and share of the appellant- petitioner was taken as 1360.74 sq meters and from the land of Kalupur, share of the appellant-petitioner was taken at 281.17 Sq. Mtrs. from 1360.74 Sq. Mtrs. of Darlapur-Kajipur. The competent authority allowed retainable land of 718.29 Sq. Mtrs. of declared open land of 642.45 Sq. Mtrs. as surplus land.	20303118143 2018 ASHD-6/NRD	ASHOK M. PATEL INDIA GUJARATI NOTARY	PMV PMV

દેખાણની કમીસ: મળેલ તારીખ 5 માર્ચ 2018
કમીસ: રાજકોટ રજીસ્ટ્રાર-વિશાળ કમીસ, 2018 ના રાજકોટ



નોંધ નં: તારીખ: ફેરફાર નો પત્રક:	નોંધની વિગત	ફેરફારને અંતરિત અરજી/અંતરિત નંબર અને પેરા કોમ્પો નંબર નેનો અંતર નંબર	અંતરિત નામ નોંધની અંતરિત નંબર	તપાસણી કરનાર અધિકારી નો શરો અને અંતરિત નંબર તથા નામ શ્રી
	5. As against the same, the order passed by the competent authority, the appellant- petitioner filed appeal under section 33 of the Urban Land (Ceiling and Regulation) Act, 1976 and the same was dismissed by the Appellate Authority. Challenging the order of the Primary Authority and the Appellate Authority, the Special Civil Application was filed. 6. At this stage, it is relevant to note that the Special Civil Application was filed in the year 1991 and the same was dismissed for non prosecution and subsequently it was restored in the year 2014. In the meanwhile, Urban Land (Ceiling and Regulation) Act, 1976 came to be repealed in 1999 by the Urban Land (Ceiling and Regulation) Repeal Act, 1999. As the order restoring the Special Civil Application has become final, the learned Single Judge has considered the matter on merits and passed the impugned order rejecting various pleas raised by the appellant- petitioner. 7. In the Special Civil Application it was the case of the appellant- petitioner that as possession was not taken by issuing notice as contemplated under section 10(6) of the Act she is entitled to have benefit of Repeal Act and all the proceedings stand lapsed. On that plea she has also sought declaration in the petition. Reliance is placed by the appellant- petitioner on the decision of the Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Hari Ram, reported in (2013) 4 SCC 280. However, the learned Single Judge relying on decision of the Hon'ble Supreme Court in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321 has held that as possession was taken long back, such issue cannot be reopened at this stage. The learned Single Judge has held that as it is the case of the respondent- authorities, possession of surplus land was taken by drawing Panchama about 22 years back, as such, such issue cannot be permitted to be reopened based on the Court Commissioner's report drawn Civil Suit filed in the year 2011. Even on merits, the learned Single Judge has held	AHD-6/NRD 20303-143 2018	ASHOK M. PATEL INDIA NOTARY PUBLIC	pmv WGS PM

જાહેર: અમારો
તારીખ: ૦૫/૦૮/૨૦૧૮
ફેરફાર નો પત્રક:



નોંધ નં : તારીખ : ફેરફાર નો વાર:	નોંધની વિગત	ફેરફારને અબદિન મરણ/બીડ નંબર અને પેરા ડિપો નંબર તેનો ખાતા નંબર	અગાઉની નામજાર નોંધની સમજ/તારીખ	તપાસણી કરનાર અધિકારી નો શીરો અને મહિના/તારીખ તથા નામ હોદ્દો
	the competent authority has declared only vacant/ open land admeasuring 642.45 sq.mtrs after considering the constructed property shown by the appellant- petitioner in her declaration form in sub-plot No.38-1-1 and sub-plot no.38-1-3. As such there is no illegality to reopen the issue after a period of more than 22 years. 8. Heard Shri Navin Pathwa, learned counsel appearing for the appellant and Shri Dhawan Jaywaj, learned Assistant Government Pleader for respondent no.3-Stage. It is contended by the learned counsel for the appellant- petitioner that the property covered by Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs is co-owned by the appellant-petitioner along with her three sisters, by name, (i) Pratikaben Narotimbhai Zaveri, (ii) Pannaben Narotimbhai Zaveri and (iii) Nandiniben Narotimbhai Zaveri. It is submitted that all four sisters have equal share in the land, on which there is total construction of 421.39 Sq. Mtrs, which constructions were made by father of the appellant- petitioner by obtaining permission to construct on O4.O1.1960 from the Municipal authorities vide Building Use Permission (BU Permission) dated 23.05.1962. It is further pleaded that the competent authority, viz. Deputy Collector vide order dated 29.05.1990 decided Form-1 filed by Pratikaben Narotimbhai Zaveri, one of the sisters of the appellant- petitioner, in which it is held and declared that the land covered by Sub-plot No.38-1-1, Final Plot No.38 of Town Planning Scheme No.8 admeasuring 2775.52 Sq. Mtrs is not a vacant land. It is further submitted that so far as the plot admeasuring 601.70 sq meters covered by Sub-Plot No.38-1-3, Final Plot No.38, Town Planning Scheme No.8, the appellant- petitioner has applied for permission under section 27 of the Act for transfer of this plot to Nakoda Park Cooperative Housing Society Limited. Similarly, sister of the appellant- petitioner, by name, Smt. Nandiniben Narotimbhai Zaveri also applied for permission under section 27 of the Act for sub-plot no.38-1-4 and the competent authority has granted permission vide order dated 06.12.1980. As such	AHD-6/NRD 20303 2018	ASHOK M. PATEL INDIA NOTARY	WDR PMV

સદ બાબુભાઈ કચેરી: નામદારનાર કચેરી બાદલોડીયા
જાહેર : રાષ્ટ્રીય સુવર્ણ-ચિહ્ન(સી)કે.આ. પ્રજાસત્તાક રાજ્ય





નોંધ નં:
તારીખ
ફેરફાર નો નંબર:

નોંધની વિગત

ફેરફારને સંબંધિત
સરવે/બંદી નંબર
અને પેરા કિસ્મો નંબર
નેનો બાતી નંબર

અગાઉની નામજાર
નોંધની અમલ/તારીખ

તપાસણી કરનાર અધિકારી નો ફોટો
અને સહી/તારીખ
તથા નામ જોવા

of 2011 in the City Civil Court at Ahmedabad, in which Court Commissioner was appointed, who had inspected the property and submitted report which shows that the appellant is in fact in physical possession of the property in question. It is submitted that in any event even according to the case of the respondent authorities, no notice has been issued as contemplated under section 10(6) of the Urban Land (Ceiling and Regulation) Act, 1976, and thus, the appellant is entitled to the benefits of section 3 of the Act. It is submitted that the alleged taking over of possession by drawing Panchnama even without issuing notice under section 10(6) of the Act is per se illegal. Such possession cannot be recognized to accept the plea of the respondents. It is submitted that in view of the Repeal Act all the proceedings are entitled to be lapsed, the appellant- petitioner is entitled to hold the property which is allegedly declared excess, taken possession by drawing Panchnama.

Affidavit in reply is filed in the Special Civil Application. In the affidavit in reply, while denying various allegations made by the appellant- petitioner, it is stated that the petition was filed in the year 1991 and the same was dismissed for non prosecution, viz for non removal of objections and the same was restored by order dated 11.04.2014. It is submitted that as restoration application was filed with gross delay of 20 years, while opposing amendment which was sought to add additional pleas, it is submitted that the appellant- petitioner Mamiaben, daughter of Narottambahl Zaveri has filed declaration on 11.09.1976 and the same was scrutinized on 03.12.1982 under section 8(1) of the Act. Order under section 8(4) of the Act was passed on 13.06.1988, based on which notification under section 10(1) of the Act was published on 11.04.1989. While referring to dismissal order of the Appellate Authority dated 31.08.1990 it is stated that possession of the land in question admeasuring 642.45 sq meters was taken over after issuance of notice under section 10(5) of the Act on 08.02.1991. While pleading that

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નોંધ નં:
તારીખ:
હેડનાર નો પત્રક:

નોંધની વિગત

હેડનારને સંબંધિત
મરણ/અવધીત નંબર
અને પેટા કિસ્સો નંબર
તેનો ખાતા નંબર

અગાઉની નામજાર
નોંધની અમલ/તારીખ

તપાસણી કરનાર અધિકારી નો નેરો
અને સહી/તારીખ
તથા નામ હોતો

possession of surplus land was taken in accordance with law while drawing Panchnama, it is the case of the respondents that it is not open to the appellant to raise any objection with regard to validity of taking possession at this stage.
With reference to the allegation of the appellant- petitioner that she was not served with notice as contemplated under section 10(6) of the Act following averment is made in para 11 of the affidavit in reply:

"1. I most humbly say and submit that thereafter the occupant of the land in question was paid to hand over the possession as per notice under section 10(five) of the act and therefore, the position (sic. possession) of the land in question was taken over by drawing Panchnama on 30.04.1991 is provided under section 10(6) of the act."

10. The learned Assistant Government Pleader (AGP) appearing for respondent no.3, after verifying the record, fairly admitted that notice under section 10(6) of the Act was not issued. However, possession was taken by drawing Panchnama on 30.04.1991, after issuing notice under section 10(5) of the Act. It is submitted by the learned AGP that when possession was not handed over after issuance of notice under section 10(5) of the Act it is always open for the respondents to take possession by drawing Panchnama. The learned AGP placed reliance on the very judgment which was referred to by the learned Single Judge in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321.

11. Before we deal with the contentions advanced by the learned counsel appearing for the parties we deem appropriate to refer to the order No.ULC/U.7/117/ 187 dated April 1990/ 21.05.1990 passed by the Competent Authority under section 8(4) of the Act on declaration filed by sister/ co-owner of the appellant in the property which is the subject matter of the petition. In the said order, on declaration of the applicant, by name, Pragkaben Narotambhai Zaveri, who is real sister of the appellant herein, is shown against the land admeasuring

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દાખલનાર કચેરી: માનવસર કચેરી યાદગીરીયા
જાહેર: રાજકીય સંસ્થા-વિશાળ કોમ, ગુજરાત રાજ્ય

નોંધ નં:
તારીખ:
કેસ નં નંબર:

નોંધની વિગત

કેસ નંબર
અરજી/અરજી નંબર
અને તેના વિષયો નંબર
તેની આંતર નંબર

અગાઉની નોંધ
નોંધની ક્રમાંક/તારીખ

નવાસણી કરનાર અધિકારી નો શીરો
અને સહી/તારીખ
તથા નામ શીરો

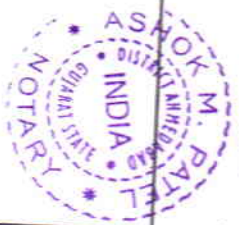
2775.55 sq meters covered under Town Planning Scheme No.8, Final Plot No.38, Subplot No.38/1/1 situated at Darlapur - Kalpur. She has also declared the extent of land as 601.70 sq meters of Final Plot No.38, Subplot No.38/1/1, apart from other properties. In Darlapur- Kalpur, property admeasuring 2775.55 sq meters, sister of the appellant is shown as holding 1/4th share of 683.88 sq meters. In respect of the above said property, the Competent Authority has declared that having regard to constructions in the property, no part of the land in the said property can be declared as vacant land. Even the property

covered by subplot no.38/1/2 situated at Darlapur Kalpur, admeasuring 601.70 sq meters also excluded from the holding of the declarant on the ground that permission was granted under section 27 of the Act. Though the appellant- petitioner stands on the very same footing, who is claiming 1/4th share in the very same property, the Competent Authority has declared that a part of the land of the aforesaid properties be treated as vacant land. In view of the reasoning assigned in order dated 21.05.1990 passed by the Competent Authority on the declaration filed by real sister of the appellant- Pralixaben Narotambhai Zaveri, there is no reason to record contra finding in the order passed by the Competent

Authority on the declaration filed by the appellant herein. We have also perused the reasons recorded in the order dated 21.05.1990, wherein the properties covered by serial no.192 in such declaration are held to be non-vacant lands. We are informed that such order passed by the Competent Authority has become final. In that view of the matter there is no reason to record contra finding on the declaration filed by the appellant- petitioner, who stand exactly on similar footing with her sister, by name, Pralixaben Narotambhai Zaveri.

12. It is true that originally, after dismissal of the appeal filed by the appellant under section 33 of the Urban Land (Ceiling and Regulation) Act, 1976, at the first instance, Special Civil Application was filed in the year 1991. Such petition was dismissed for non

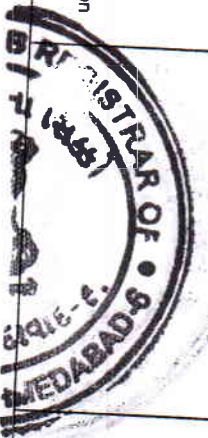
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દાખલનાર કેસ નંબર/તારીખ કેસ નંબર
કેસ : ૨૧૨૬૧૨/૨૦૧૮-૨૦૧૯, ગુજરાત રાજ્ય



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નોંધ નં: તારીખ: રજીસ્ટ્રેશન નંબર:	નોંધની વિગત	રજીસ્ટ્રેશન સંખ્યા સરકારી/અન્ય નંબર અને પેરા ક્લિયર નંબર તેની ખાતા નંબર	અગાઉની નામજાર નોંધની સંખ્યા/તારીખ	તમામ અગાઉના અધિકારી નો નોંધ અને સર્વેક્ષણ તથા નામ જોડો
	prosecution for non removal of objections. Subsequently, on an application filed, the same was restored. Even amendments sought were granted as prayed for. Either the order restoring the petition or the order granting permission for amendment of the pleadings was not challenged and such orders have become final. In view of the same it is open for the appellant to take up such pleas which are available and raised either in the original petition or by way of amendments. 13. On perusal of the order passed by the learned Single Judge it is clear that the learned Single Judge has mainly rejected the plea of the appellant- petitioner of not taking valid possession and her entitlement to have benefit of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, mainly on the ground that possession of the land was taken 22 years back and the same cannot be allowed to reopen. In support of such plea the learned Single Judge has placed reliance on the decision of the Hon'ble Supreme Court in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321. Before we proceed further, we want to refer to the authorities relied on by learned counsel for the appellant- Shri Navin Patwa, Shri Patwa, learned counsel has placed reliance on the decision of the Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Hari Ram, reported in (2013) 4 SCC 280. In the aforesaid judgment, while interpreting the provisions under section 10(3) and (5) of the Urban Land (Ceiling and Regulation) Act, 1976, the Hon'ble Supreme Court has held that deemed vesting of excess land in the State under section 10(3) of the Act after issuance of notification under section 10(1) of the Act and issuance of notice under section 10(5) of the Act, does not amount to taking possession of surplus land by the State Government. In such a situation, the Hon'ble Supreme Court has held that ceiling proceedings would abate in all cases where factually possession has not been handed over or delivered before the Urban Land (Ceiling and Regulation) Repeal Act, 1999 coming into force by virtue of section 4	AHD-6/NRD 20303125143 2018	ASHOK M. PATEL INDIA GUJARAT NOTARY	<i>[Signature]</i> <i>[Signature]</i> <i>[Signature]</i> pmv



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નોંધની વિગત

of the said Act. In the aforesaid judgment while dealing with section 10(5) and (6) of the Act, the Hon'ble Supreme Court has held that,

"Peaceful dispossession

34.. Sub-section (5) of Section 10, for the first time, speaks of "possession" which says where any land is vested in the State Government under sub-section (3) of Section 10, the competent authority may, by notice in writing, order any person, who may be in possession of it to surrender or transfer possession to the State Government or to any other person, duly authorized by the State Government.

35.. If de facto possession has already passed on to the State Government by the two deeming provisions under sub-section (3) of Section 10, there is no necessity of using the expression "where any land is vested" under sub-section (5) to Section 10. Surrendering person may get the compensation as provided under Section 11 of the Act early. Once there is no voluntary surrender or delivery of possession, necessarily the State Government has to issue notice in writing under sub-section (5) to Section 10 to surrender or deliver possession. Subsection (5) of Section 10 visualizes a situation of peacefully while subsection (6) of Section 10 contemplates a situation of forceful dispossession.

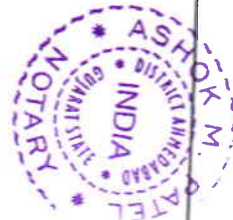
Forceful dispossession

36. The Act provides for forceful dispossession but only when a person refuses or fails to comply with an order under sub-section (5) of Section 10. Sub-section (6) to Section 10 again speaks of "possession" which says, if any person refuses or fails to comply with the order made under sub-section (5), the competent authority may take possession of the vacant land to be given to the State Government and for that purpose, force - as may be necessary - can be used. Sub-section (6), therefore, contemplates a situation of a person refusing or fails to comply with the order under

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સરવે/બીઠ નંબર
અને પેરા ડિસ્કો નંબર
તેનો ખાતા નંબર

અગાઉની નામજાર
નોંધની કમીઠ/તારીખ

તપાસણી કરનાર અધિકારી નો હોરા
અને સહી/તારીખ
તથા નામ/ હોરા



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ગ્રામ નમુનો નંબર : ૩૪૦- મોલેલ ડે, આંબાર સંદે
જામીન : રાષ્ટ્રીય મુક્તિ યોજના હેઠળ, ગુજરાત રાજ્ય

નોંધ નં : તારીખ : ફેરફાર નો પાત્ર :	નોંધની વિગત	ફેરફારને અધિકાર અરજી/અધિકાર નંબર અને પેટા કિસ્સો નંબર નેનો બાબત નંબર	અગાઉની નોંધણી નોંધની ક્રમાંક/તારીખ	તપાસણી કરનાર અધિકારી નો નેમ અને સહી/તારીખ તથા નોંધ હોલ
	subsection (5), in the event of which the competent authority may take possession by use of force. Forcible dispossession of the land, therefore, is being resorted only in a situation which falls under sub-section (6) and not under subsection (5) to Section 10. Sub-sections (5) and (6), therefore, take care of both the situations, i.e. taking possession by giving notice that is "peaceful dispossession" and on failure to surrender or give delivery of possession under Section 10(5), then "forcible dispossession" under sub-section (6) of Section 10. 37. The requirement of giving notice under subsections (5) and (6) of Section 10 is mandatory. Though the word 'may' has been used therein, the word 'may' in both the sub-sections has to be understood as "shall" because a court charged with the task of enforcing the statute needs to decide the consequences that the legislature intended to follow from failure to implement the requirement. Effect of non-issue of notice under sub-section (5) or sub-section (6) of Section 11 is that it might result the land holder being dispossessed without notice, therefore, the word 'may' has to be read as 'shall'. In the above judgment it is clearly held that the requirement of giving notice under subsections (5) and (6) of section 10 of the Act is mandatory while construing the word 'may' which is used in section 10(5) and (6) of the Act, the Hon'ble Supreme Court has held that said expression has to be understood as 'shall'. It is further held that the effect of non-issuance of notice under subsections (5) and (6) of section 10 of the Act will result in the landholder being dispossessed without notice. Therefore, the word 'may' has to be read as 'shall'. 14. Further in the judgment in the case of Gajanan Kamya Patil Vs. Additional Collector and Competent Authority (UIC) and others, reported in (2014) 12 SCC 523, while considering the provisions of subsections (3) and (6) of section 10 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the Hon'ble Supreme Court	AHD-6/NRD 20303 2018	ASHOK M. PATEL INDIA NOTARY	PMV PM

ગાંધી નગર ૬ - ૬૬ પાના
જેમાં : રાજીવ ચંદ્રાવતી દ્વારા ગુજરાત રાજ્ય



નોંધ નં:
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has held as under:

"12. We have, therefore, clearly indicated that it was always open to the authorities to take forcible possession and, in fact, in the notice issued under Section 10(5) of the ULC Act, it was stated that if the possession had not been surrendered, possession would be taken by application of necessary force. For taking forcible possession, certain procedures had to be followed. Respondents have no case that such procedures were followed and forcible possession was taken. Further, there is nothing to show that the Respondents had taken peaceful possession, nor there is anything to show that the Appellants had given voluntary possession. The facts would clearly indicate that only de jure possession had been taken by the Respondents and not de facto possession before coming into force of the repeal of the Act. Since there is nothing to show that de facto possession had been taken from the Appellants prior to the execution of the possession receipt in favour of MRDA, it cannot hold on to the lands in question, which are legally owned and possessed by the Appellants. Consequently, we are inclined to allow this appeal and quash the notice dated 17.2.2005 and subsequent action taken therein in view of the repeal of the ULC Act. The above reasoning would apply in respect of other appeals as well and all proceedings initiated against the Appellants, therefore, would stand quashed."

15. Further, the learned counsel has also placed reliance on the judgment of the Hon'ble Supreme Court in the case of Chandra Kishore Jha Vs. Mahavir Prasad and others, reported in (1999) 8 SCC 266. In support of his argument that if the Statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner, Para 17 of the said judgment reads as under:

"17. In our opinion insofar as an election petition is concerned, proper presentation of an election petition in the Patna High Court can only be made in the

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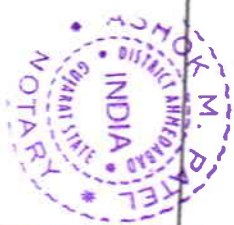
અગાઉની નામજુર
નોંધની સમીક્ષાતારીખ

તપાસણી કરનાર અધિકારી નો નામ
અને સહી/તારીખ
તથા નામ્ય ફોટો

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સ આપનાર કચેરી સંબંધિત તમામ કચેરી યાદગીરીયા
ક્રમ: રાષ્ટ્રીય સંસ્થા-વિજ્ઞાન કેન્દ્ર, ગુજરાત રાજ્ય



નોંધ નં : તારીખ : ફેરફાર નો પ્રકાર :	નોંધની વિગત	ફેરફારને સંબંધિત સરવે/બ્લોક નંબર અને પેરા કિસ્મો તથા તેનો પ્રાતા નંબર	અગાઉની નામજાર નોંધનો ક્રમાંક/તારીખ	તપાસણી કરનાર અધિકારી નો રોજો અને સહી/તારીખ તથા નામ/રોજો
નોંધ નં : મુખ્યમંત્રીશ્રી ધાટલોડીયા કન્યા : રાષ્ટ્રીય સેવા સંસ્થાની કેન્દ્ર, ગુજરાત રાજ્ય	manner prescribed by Rule 6 of Chapter XXI-E. No other mode of presentation of an election petition is envisaged under the Act or the Rules thereunder and, therefore, an election petition could, under no circumstances, be presented to the Registrar to save the period of limitation. It is a well-settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner. (See with advantage : Nazir Ahmad v. King Emperor, Rao Shiv Bahadur Singh V. State of V.P., State of U.P. v. Singhara Singh.) An election petition under the Rules could only have been presented in the open Court upto 16.5.1995 till 4.15 P.M. (working hours of the Court) in the manner prescribed by Rule 6 (supra) either to the Judge or the Bench as the case may be to save the period of limitation. That, however, was not done. However, we cannot ignore that the situation in the present case was not of the making of the appellant. Neither the designated election Judge before whom the election petition could be formally presented in the open Court nor the Bench hearing civil applications and motions was admittedly available on 16.5.1995 after 3.15 P.M., after the Obituary Reference since admittedly the Chief Justice of the High Court had declared that "the Court shall not sit for the rest of the day" after 3.15 P.M. Law does not expect a party to do the impossible - impossibility nulla obligatio est - as in the instant case, the election petition could not be filed on 16.5.1995 during the Court hours, as far all intent and purposes, the Court was closed on 16.5.1995 after 3.15 P.M." 16. From the aforesaid judgments relied on by the learned counsel for the appellant-petitioner and looking to the provisions of subsections (5) and (6) of section 10 of the Urban Land (Ceiling and Regulation) Act, 1976, it is clear that after notification issued under section 10(1) and 10(3) of the Act, it is open for the respondents to issue notice under section 10(5) of the Act asking the declarant to hand over possession of the vacant land. Section 10(6) of the Act comes into play when the declarant/ owner fails to hand over possession pursuant to notice under section 10(5) of	AHD-6/NRD 203031 129 143 2018	ASHOK M. PATEL DISTRICT AHMEDABAD INDIA VOTARY	WNS

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the Act. When possession is not handed over by the owner to the declarant even after receipt of notice under section 10(5) of the Act, it is mandatory on the part of the authorities to give notice under section 10(6) of the Act for taking forcible possession.

17. We also feel that there is logic behind such provision under section 10(6) of the Act that when declarant failed to deliver possession even after issuance of notice under section 10(5) of the Act. The authorities can notify date for taking possession by issuing notice under section 10(6) of the Act. If such notice under section 10(6) of the Act is not issued, declarant- owner will be in dark as to on which date possession will be taken. In view of the aforesaid provision and having regard to the judgments relied on by the learned counsel for the appellant, we are of the view that the plea of the appellant- petitioner deserves to be accepted. The respondents have not taken possession in accordance with law.

As it is not in dispute that the respondent-authorities have not issued notice under section 10(6) of the Act, the alleged taking over of possession on 30.04.1991 by drawing Panchnama is no possession in the eye of law, which can be reckoned to accept the plea of the respondents. Further it is also clear from the material placed on record that in Civil Suit No.1 of 2011 filed by the appellant- petitioner in the City Civil Court at Ahmedabad, Court Commissioner was appointed. The Court Commissioner clearly revealed that the appellant- petitioner is in physical and actual possession of the land in question. For the aforesaid reasons and

having regard to the facts and circumstances of the case, we are of the view that the learned Single Judge has committed error in placing reliance on the judgment of the Hon'ble Supreme Court in the case of State of Assam Vs. Bhaskar Jyoti Sarma and others reported in (2015) 5 SCC 321. From perusal of the judgment of the Hon'ble Supreme Court in the aforesaid case of State of Assam, it is to be noticed that the persons claiming possession were third parties and when owners failed to challenge any

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નેનો ખાતા નંબર

અગાઉની નામજુર
નોંધનો અમલદારનીય

તપાસણી કરનાર અધિકારી નો નેરો
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કદ અપનાવે કચેરી અમલદાર કચેરી બાંહેધરીયા
જન્મ : રાષ્ટ્રીય સેવાના વિકાસ કોષ્ટક ડિજિટલ રીજીસ્ટ્રાર

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જાહેર: અમદાવાદ

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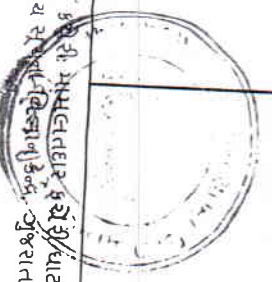
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મોજા: દરીયાપુર-કાઝીપુર

નોંધ નં : તારીખ : ફેરફાર નો પ્રકાર :	નોંધની વિગત	ફેરફારને સંબંધિત મરજુ/બીજા નંબર અને યેલો કિમ્પો તથા તેનો ખાતા નંબર	અગાઉની નોંધપત્ર નોંધની કમીઠ/તારીખ	તપાસણી કરનાર અધિકારી નો શીટો અને સહી/તારીખ તથા નોંધ શીટો
૧૯૮૨૬ ૧૬/૦૨/૨૦૧૮ કુટમણી	20. Consequently, the Civil Application is disposed of in the aforesaid terms. અરજદારની અરજી તથા અસલ કુટમ આધારે નોંધ કરી.. મોજા દરીયાપુર-કાઝીપુર તા.અમરવાના માજીલમાં જણાવેલ ટી.પી.નં.૮ ધા.પત્રોટ નં.૩૮/૧/૧ વાળી જમીન અંગે Supreme Court Of India એ તા.૧૫-૧૨-૨૦૧૭ ના રોજ નોંધે મુજબ કુટમ કરેલ છે. ORDER ↓ The Special leave pailions are dismissed on the ground of delay as well as on merits અરજદારની અરજી તથા કુટમની સહીકાઉડ નકલ આધારે કુટમ મુજબ નોંધ કરી.	૦૮૮૩૮/૧/૧૩૬૬), ૦૮૮૩૮/૧/૧૪૪૧)		પ્રમાણિત જામદાર શેઠનો તા.૧૫-૧૨-૨૦૧૭ ના કુટમ નં.૬૮૩૮૩૦૫/૨૦૧૭ ની પ્રમાણિત નકલ આ સહ સામેલ ફોઈ - શેઠના કુટમની નોંધ હોઈ બીજા કુટમા --પ્રમાણિત-- સહી ભાવનાબેન રબારી સ.અ.૯.કા. તા.૧૬-૦૩-૨૦૧૮

AHD-6/NRD

20303-132 143
2018



નોંધ નં :
તારીખ :
રેકૉર્ડ નો નંબર :

નોંધની વિગત

question.

(5) Aggrieved by judgment date 01.12.2016, Misc. Civil Application No.630 of 2017 for review was filed by the respondents, which was also dismissed on 02.03.2017.

(6) When the matter came up for hearing of earlier occasion, it was adjourned at the request of the request of the Assistant Government Pleader to obtain instructions. Today, it is submitted by learned Assistant Government Pleader that against the judgment of this Court, matter was carried in Special Leave petition before the Hon'ble Supreme Court and same was dismissed on 15.12.2017 and the respondents are contemplating to file review in the said Special Leave Petition.

(7) Judgment passed by this Court was on 01.12.2016. Even Review petition was dismissed on 02.03.2017. When the order passed by this Court is confirmed by the Hon'ble Supreme Court, in view of dismissal of Special Leave Petition, there is no reason at all not carrying out necessary as per judgment of this Court.

(8) In view of above, there shall be interim relief in terms of paragraph No.13(B) and necessary correction in the revenue records shall be carried out within a period of one week from the date of this order.

હુકમની નકલ તથા સક્ષમ અધિકારી અને નાણાં કલેક્ટર શહેરી જમીન ટ્રેડ-મર્ચાંટ અમદાવાદ ના પત્ર નં.ગુરુદેવસી/દ.કા./એમ.સી.એ./ફોર ઓર્ડર નં.3239/2019 તા.29-3-2019 આધારે હુકમ મુજબ નોંધ કરી.

રેકૉર્ડને સંબંધિત
સરવે/બીલ નંબર
અને પેટા ડિસ્પો તથા
તેનો ખાતા નંબર

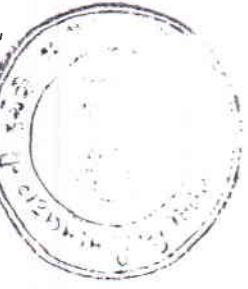
અગાઉની નામગુર
નોંધની સમાજ/તારીખ

તપાસવાી કરનાર અધિકારી નો ફોટો
અને સહી/તારીખ
તથા નામ ફોટો

AHD-6/NRD

20303

2018



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Ashok M. Patel

NOTARY

2018



આખબાર કચેરી: મનસુખતલાર કચેરી યાદલોડીયા
કચેરી: રાજીવ સુરતના-વિજાવ કેન્દ્ર, ગુજરાત રાજ્ય



ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ

ભારત સરકાર
Unique Identification Authority of India
Government of India

નોંધણીની ઓળખ / Enrollment No 1308/00147/94494

To
શાહ દિનેશ
Shah Dinesh
S/O Mahasukhlal
A/2
Abhinandan Apartment
B/h Loyala Hall Naranpura
Ahmedabad City
Naranpura Vistar Ahmadabad City Ahmedabad
Gujarat 380013
9727720100

05/02/2014

AHD-6/NRD

20303/35143

2018

Ref 139 / 18B / 137768 / 137978 / P



SH914113951FT



તમારો આધાર નંબર / Your Aadhaar No. :

6995 0495 8190

આધાર - સામાન્ય માણસનો અધિકાર



ભારત સરકાર

Government of India

શાહ દિનેશ
Shah Dinesh

જન્મ તારીખ / DOB : 09/11/1961
પુરુષ / Male



6995 0495 8190

આધાર - સામાન્ય માણસનો અધિકાર



AHD-6/NRD
203 03 136 143
2018



નિર્દેશ

- આધાર ઓળખાણનું પ્રમાણ છે, નાગરિકતાનું નહિ.
- ઓળખાણનું પ્રમાણ ઓનલાઈન ઓથેન્ટિકેશન દ્વારા પ્રાપ્ત કરો.

INFORMATION

- Aadhaar is proof of identity, not of citizenship.
- To establish identity, authenticate online.



18B / 137768

- આધાર દેશભરમાં માન્ય છે.
- આધાર ભવિષ્યમાં સરકારી અને બિન-સરકારી સેવાઓનો લાભ મેળવવામાં ઉપયોગી થશે.
- Aadhaar is valid throughout the country.
- Aadhaar will be helpful in availing Government and Non-Government services in future.



ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ
Unique Identification Authority of India

નરણપુ, S/O મહામુનિરાલ બે. 2,
અભિનંદન એપાર્ટમેન્ટ લોયલા હોલ પાછળ,
નારણપુરા, અમદાવાદ રહેર, અમદાવાદ,
નારણપુરા વિસ્તાર, ગુજરાત, 380013

Address: S/O Manasukhla A/2
Abhinandan Apartment, Bih Loyala Hall,
Naranpura, Ahmedabad City, Ahmedabad,
Naranpura Vistar, Gujarat, 380013

6995 0495 8190

1947
1800 300 1947

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ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ
ભારત સરકાર
Unique Identification Authority of India
Government of India

નામાંકન ક્રમ સંખ્યા/ Enrolment No.: 2141/43466/12715

To
ચંદ્રશેખર જયંતિલાલ શાહ
Chandrashekhar Jayantilal Shah
S/O: Jayantilal
A/9
omniketan flats
vasna
jawaharnagar
Ahmedabad City
Paldi
Ahmedabad Gujarat - 380007
9327083790

Download Date: 24/11/2017

Signature Not Verified

Digitally signed by
CHANDRASHEKHAR JAYANTILAL SHAH
DN: cn=CHANDRASHEKHAR JAYANTILAL SHAH, o=INDIA, email=chandrashah@nic.in, c=IN, date=2017.11.24 12:06:27



તમારો આધાર નંબર / Your Aadhaar No. :
6042 4633 4290
મારો આધાર, મારી ઓળખ



ભારત સરકાર
Government of India



ચંદ્રશેખર જયંતિલાલ શાહ
Chandrashekhar Jayantilal Shah
જન્મ તારીખ/DOB: 26/07/1959
પુરુષ/ MALE

6042 4633 4290

મારો આધાર, મારી ઓળખ



Government of India



સૂચના

- આધાર ઓળખાણનું પ્રમાણ છે, નાગરિકતાનું નહિ.
- ઓળખાણનું પ્રમાણ ઓનલાઈન ઓથેન્ટિકેશન દ્વારા પ્રાપ્ત કરો.
- આ ઇલેક્ટ્રોનિક પ્રક્રિયા દ્વારા બનાવેલા દસ્તાવેજ છે.

INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
- This is electronically generated letter.

- આધાર દેશભરમાં માન્ય છે.
- આધાર ભવિષ્યમાં સરકારી અને બિન-સરકારી સેવાઓનો લાભ મેળવવામાં ઉપયોગી થશે.
- Aadhaar is valid throughout the country.
- Aadhaar will be helpful in availing Government and Non-Government services in future.

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2018



ભારતીય વિશિષ્ટ ઓળખાણ પ્રાધિકરણ
Unique Identification Authority of India

Address:

S/O: Jayantilal, A/9, omniketan
flats, vasna, jawaharnagar,
Ahmedabad City, Ahmedabad,
Gujarat - 380007

સરનામું :

પિતાનું/માતાનું નામ: જયંતિલાલ, એ/9,
ઓમનિકેટન ફ્લેટ્સ, વાસના, જવાહરનગર,
અમદાવાદ શહેર, અમદાવાદ,
ગુજરાત - 380007

6042 4633 4290

TRUE COPY

Ashok M. Patel
Ashok M. Patel
NOTARY
Date 27-10-2018

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-પરીશીષ્ટ-

નોંધણી અધિનિયમ-૧૯૦૮ ની કલમ ૩૪ ની પેટા કલમ-૩ મુજબનું ચેકલીસ્ટ

અ.નં. પ્રશ્ન જવાબ (હા કે ના)

લખી આપનાર, સંમતિ આપનાર કે તેઓના ક.મુ. ને પુછવાના પ્રશ્નો.

૧.	લેખમાં દર્શાવ્યા મુજબ.....(મહેસુલી ગામનું નામ) ગામની.T.P.૪.....(સર્વે નં./બ્લોક નં./ટી.પી. નં./એફ.પી. નં. વિગેરે) ની ખેતી/બીનખેતીની મીલકતનો.....(લેખનો પ્રકાર) લેખ કરી આપેલ છે? T.P.૪, F.P. ૩૪૧ Baki City Survey No-૫૧૪	૫૯
૨.	લેખમાં દર્શાવ્યા મુજબ.....(ચો.મી./હ. આ.ચો.મી./એ.ગું./વીઘા વિગેરે) ખેતી/બીનખેતીની મીલકત માટે લેખ કરી આપેલ છે?	૫૯
૩.	લેખમાં દર્શાવ્યા મુજબની વિગતે અવેજની રકમ મળેલ છે?	૫૯
૪.	લેખમાં દર્શાવેલ વિગતો વાંચી, વંચાવીને, સમજી વિચારીને તમે પોતે જાતે જ સહી/અંગુઠાની છાપ કરેલ છે તે તમે કબુલ રાખો છો?	૫૯
૫.	પાવર ઓફ એટર્ની આપનાર દસ્તાવેજની તારીખે હયાત છે?	—
૬.	પાવર ઓફ એટર્નીના લેખમાં પાવર ઓફ એટર્ની આપનાર વ્યક્તિ/વ્યક્તિઓએ સહી/અંગુઠાનું નિશાન કરેલ છે?	—
૭.	પાવર ઓફ એટર્નીનો લેખ દસ્તાવેજની તારીખે અમલમાં છે?	—
૮.	ઓળખાણ આપવા સારૂ તમને ઓળખતા હોય તેવી વ્યક્તિઓને સાથે લાવ્યા છો?	૫૯
ઓળખાણ આપનારને પુછવાના પ્રશ્નો-		
૧.	દસ્તાવેજ લખી આપનાર વ્યક્તિ/વ્યક્તિઓએ કે જેઓએ કબુલાત આપી તેઓને તમે જાતે ઓળખો છો?	૫૯
૨.	દસ્તાવેજમાં લખેલ નામ અને કબુલાત આપનાર વ્યક્તિ/વ્યક્તિઓ એક જ છે?	૫૯
૩.	કોઈ વ્યક્તિએ ખોટું નામ ધારણ કરીને કબુલાત આપી નથી એવી તમે ખાત્રી આપો છો?	૫૯

લખી આપનાર/સંમતિ આપનાર/કુ.મુ. ની સહી ઓળખાણ આપનારની સહી.

૪. Manual Misty

૫. R. S. Shah

૪. P. S. Shah

૫. P. S. Shah

૪. P. S. Shah

૫. P. S. Shah

AHD-6-NRD

20303

139

143

2018

29/10/18 12:27:35 pm

Version:1.1.2018.7

Serial No. 20303

Presented of the office of the Sub-Registrar of

S.R.O - Ahmedabad-6 Between the hour of
Naroda 12 to 13 on Date 29/10/2018

P.M. Vora

Ms Lilamani Infra A Partnership Firm Through
Its Partner Shri Paras Mahendrakumar Vora

(Vijaybhai Malubhai Patel)

Sub Registrar

S.R.O - Ahmedabad-6 Naroda

Receipt No :- 2018006046320

Received Fees as following

Registration	Rs.
Side Copy Fee (143)	2327880
Other Fees	1430
	90

TOTAL :-

2329400



(Vijaybhai Malubhai Patel)

Sub Registrar

S.R.O - Ahmedabad-6 Naroda

Sl.no	Party Name and Address	Age	Photograph	Thumb Impression	Signature
-------	------------------------	-----	------------	------------------	-----------

Executing

2.000

Mamtaben Narottambhai
Amrakunj S G High Way.
Makarba Ahmedabad
PANNO:AAVPM9251C

0



Mamata J. Mistri

Executing

3.000

Pratikshaben Narottambhai
Prakruti . B.h Panchvati Auto
Garage. Makarba Ahmedabad
PANNO:AAAPZ5937H

0



Pratiksh. N. Shah.

Executing

4.000

Hemant Vinay Bharatram
B 26 Westend Colony. Chankya
Puri. New Delhi
PANNO:AAAPH0246H

0



Hemant

Executing Party
admits execution

AHD-6-NRD

20303

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143

2018

29/10/18 12:27:35 pm Version:1.1.2018.7

1 Chandrashekhar Jayantilal Shah
A9 Omniketan Flat. Vasna Ahemdabad



2 Shah Dinesh Mahasukhbhai
A2 Abhinandan Appt. Naranpura Ahmedabad



State that they personally known
above named executant and
Indetifies him/them.



C. J. Hol

Dinesh Shah

Date 29 Month October-2018

[Signature]

Vijaybhai Malubhai Patel
Sub Registrar
S.R.O - Ahmedabad-6 Naroda

Produced Form No.1
for finalise the
Marketvalue.
Date : 29/10/2018

[Signature]

Vijaybhai Malubhai Patel
Sub Registrar
S.R.O - Ahmedabad-6 Naroda

AHD-6-NRD**20303**

141

143

2018

29/10/18 12:27:35 pm

Version:1.1.2018.7

Verified PAN No/GIR No as per
IncomeTax Rules 1962.

Executant No.

Claiment No.

Conformer No.

Date : 29/10/2018

(Vijaybhai Malubhai Patel)

Sub Registrar
S.R.O - Ahmedabad-6 Naroda

Received Copies of Certified Evidence of Seller , Buyer and
Identifiers of Document

Date 29/10/2018

(Vijaybhai Malubhai Patel)

Sub Registrar
S.R.O - Ahmedabad-6 Naroc

નોંધણી સર નિરક્ષકશ્રી, ગુ.રા., ગાંધીનગરના તા.૨૨/૦૫/૨૦૧૫ ના પરિપત્ર
ક્રમાંક : ઈજર/વહટ/૩૪૭/૨૦૧૪/૧૩૦૦૧ થી ૧૩૩૬૪ તથા તા.૧૧/૧૧/૨૦૧૬
ના પરિપત્ર ક્રમાંક : ઈજર/વહટ/૩૪૭/૨૦૧૪/૩૨૩૮૨ થી ૩૨૭૫૭ મુજબ લખી
આપનાર નં
ને દસ્તાવેજોની વિગતે સમજૂતી કર્યા અને ઓળખાણ આપનારાઓએ તેઓની
ઓળખ ખાતરી આપતા સ્થાપ્તિ અક્ટ-૧૯૦૮ ની કલમ -૩૪,૩૫,૫૮ અને ૫૯
હેઠળની કાર્યવાહી પુરી કરી.

Vijaybhai Malubhai Patel

"સબ રજીસ્ટ્રાર"

S.R.O - Ahmedabad-6 Naroda

AHD-6-NRD

20303

142

143

2018

29/10/18 12:33:26 pm

Version:1.1.2018.7

Sl.no	Party Name and Address	Age	Photograph	Thumb Impression	Signature
Executing 1.000	Nandini Narottambhai AMI New Sharda Mandir Road. P H Jain Nagar. Paldi. Ahmedabad PANNO:AACPZ1438R	0			N.P. Munshi

1 Chandrashekhar Jayantilal Shah
A9 Omniketan Flat. Vasna Ahmedabad

2 Shah Dinesh Mahasukhbhai
A2 Abhinandan Appt. Naranpura Ahmedabad

Executing Party
admits execution

State that they personally known
above named executant and
Indetifies him/them.

1. C. J. Shah2. [Signature]Date 29 Month October-2018

[Signature]
Vijaybhai Malubhai Patel
Sub Registrar
S.R.O - Ahmedabad-6 Naroda

Received Copies of Certified Evidence of Seller , Buyer and
Identifiers of DocumentDate 29/10/2018

[Signature]
(Vijaybhai Malubhai Patel)
Sub Registrar
S.R.O - Ahmedabad-6 Naroc

AHD-6-NRD

20303

143

143

2018

29/10/18 2:41:08 pm

Version:1.1.2018.7

1

Book No.

20303

Registered No.

Date : 29/10/2018

(Vijaybhai Malubhai Patel)

Sub Registrar

S.R.O - Ahmedabad-6 Naroda



સ. પ્રે. અ. (એચ) ૧૦૦-૪૦૦૦-૧૨-૮૮

ગામનો નમુનો નંબર ૨

ખીજ કાયમ ઉપજનાં પત્રક મોજ દરિયા પુનઃ સીકી પુનઃ

તાલુકો સીદી

સને ૧૯૯૧

અનુ. નંબર	જમીનનું વર્ણન	આપેલી જમીનનું ક્ષેત્રફળ	પટાની જાત અને શરતો	કબજા હુકમની રકમ ને કમ લેવાઈ હોય તો	દર વર્ષે લેવાની રકમ	મુદત		મંજૂરીનો હુકમ	તાલુકાના નમુના નંબર ૩૧ અ અગર તાલુકાના નવા નમુના નંબર ૨ માંની નોંધનો અ. નં.	પ્રથમ રાખના નામ
						કયાથી	કયાં સુધી			
૧	૨	૩	૪	૫	૬	૭	૮	૯	૧૦	૧૧
૫૨૪	૨૧૧ ૧૩૮-૧૧ ટીપો. લ. જા. ના. લા. ટી. ૩૮૧૧૨૨૨૨૨૨ ૩૮૧૧૧ ૩૮૧૧૨ ૩૮૧૧૩ ૩૮૧૧૪ ૩૮૧૧૫	૫૨૬૦-૬૩	ગામન		૧૦૫-૨૫	૧-૮-૫૮ ૧-૮-૬૭	૩૧-૭-૬૦ ૩૧-૭-૬૮ -૬૮ -૭૦	LND 'P' ૩૪૫ લા. ૩-૨-૬૦-		વસંતભાઈ મ. શંતિ

અસલ ઉપર કોપી તરીકે
લા. ૧૭/૫/૯૧

સીદી તાલુકાના
જા. સીદી તા. અસલ