

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 12601 of 2026

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BHARVAD HARISHBHAI BECHARBHAI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PRATEEK S BHATIA(8629) for the Petitioner(s) No. 1,2,3,4,5

MS NIRALI SARDA, AGP for the Respondent(s) No. 1,2

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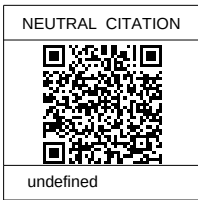
CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 23/10/2026

ORAL ORDER

1. Challenge in this petition is to the order dated 17th August, 2026, passed by the learned Collector, Vadodara, consigning the application preferred by the petitioner seeking N.A. use permission under the provisions of Section 65 of the Gujarat Land Revenue Code, 1879.

1.1 The principal ground for consigning the file, as can be seen from the order, is the pendency of three Revision Applications before the learned Gujarat Revenue Tribunal (hereinafter referred to as 'the learned Tribunal' for short), being Revision/Vadodara/5061/2020, Revision/Vadodara/5200/2017 and Revision/Vadodara/5225/2017.



1.2 At the very outset, on 28th September, 2026, the petitioner submitted that no revisions are pending before the learned Tribunal and further contended that consigning the petitioner's application is contrary to the settled proposition of law.

2. This Court, therefore, passed following order on 28th September, 2026:

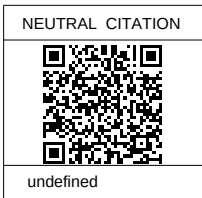
"The Collector, Vadodara shall file an affidavit explaining its order dated 17.8.2026 disposing of the application of the petitioners seeking NA under the provision of Section 65 of the Gujarat Land Revenue Code, 1879.

While filing the affidavit, the Collector, Vadodara shall keep in mind the decisions of this Court with regard to granting of NA permission under Section 65 of the Gujarat Land Revenue Code, 1879 and also clarify about the status of the Revision Applications those are stated to be pending before the Gujarat Revenue Tribunal, as referred to in his order.

List this matter for further consideration on 6.10.2026."

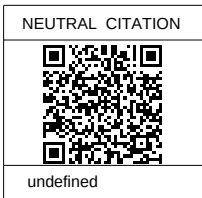
2.1 In compliance thereof, learned Collector, Vadodara, filed affidavit dated 06th October, 2026.

3. Having considered the said affidavit, the Collector sought to justify the order dated 17th August, 2026, by referring to the historical



background of the land in question, unmindful of the fact that the proceedings are under the provisions of Section 65 of the Code and not under the revenue and/or tenancy proceedings.

3.1 The most shocking narration of facts is found in paragraph 17 of the said affidavit dated 06th October, 2026, wherein the learned Collector, Vadodara, has narrated unnecessary and unwarranted facts pertaining to a different case by referring to the name of the then Judicial Member and In-charge Chairman of the learned Gujarat Revenue Tribunal. Such narration of facts appears to have been made to justify the stand that, even if the Revision Applications were disposed of by an order dated 01st May, 2024, the same has no significance because the order was passed by a particular In-charge Chairman of the learned Tribunal against whom, in some other matter, this Court had passed strictures. This Court is of the firm opinion that the narration of such facts is completely uncalled for. Once a judicial order is passed, an aggrieved party may challenge the same through the available statutory mechanism and cannot be permitted to disregard the said order merely because it was passed by an officer against whom, in some other matter, adverse observations were made. Judicial



orders carry sanctity, and disregard for a judicial order reflects the learned Collector's insensitivity towards judicial decorum.

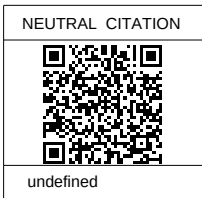
4. *Prima facie*, the aforesaid narration of facts appears to be contemptuous. Therefore, before referring the matter to the Contempt Bench, this Court finds it appropriate to call upon Shri Anil Dhamelia, Collector, Vadodara, to remain present before this Court and explain his position. Accordingly, this Court directed Shri Dhamelia to remain present before it through virtual mode at 04:30 p.m.

FURTHER ORDER

5. In compliance with the direction, Shri Anil Dhamelia, Collector, Vadodara, remained present before this Court through online proceedings at 04:30 p.m.

6. Shri Dhamelia offered his apology; however, this Court refused to accept such a mechanical apology. The expression "mechanical apology" is used because the apology does not convey a genuine sense of remorse or provide any assurance that such an act will not be repeated.

7. In the case of the very same officer, viz., Shri Anil Dhamelia, Collector, Vadodara,

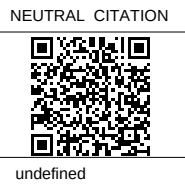


dozens of his orders concerning the decision of applications seeking N.A. use permission have come before this Court. In all such matters, Shri Dhamelia has thoroughly disregarded the propositions of law laid down by this Court and has decided the applications seeking N.A. use permission in accordance with his own understanding.

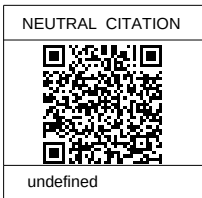
7.1 This Court had overlooked the conduct of the Collector, Vadodara, in not following the dictum of this Court while deciding applications seeking N.A. use permission. However, upon perusing the narration of facts in paragraph 17 of his affidavit, this Court cannot overlook such a serious act.

7.2 For the sake of brevity, para-17 of affidavit dated 06th October, 2026 is reproduced hereinbelow:

"17. It is pertinent to state that the order dated 01.05.2024 passed by the Hon'ble Gujarat Revenue Tribunal was passed by Shri D. L. Patel, the then In-charge Chairman. Since the said In-charge Chairman passed the some order of other land of Anand District without properly appreciating and interpreting the orders passed by the Hon'ble High Court of Gujarat, Ahmedabad, R/Special Civil Application No. 10009 of 2024 along with R/Special Civil Application No. 11457 of 2024 came to be filed before the Hon'ble High Court of Gujarat at Ahmedabad. Pursuant

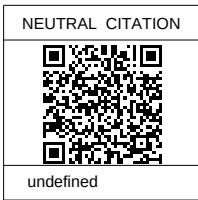


thereto, and having regard to the contents of the oral order dated 09.09.2024 passed by the Hon'ble High Court, in relation to Shri D. L. Patel, In-charge Chairman, and the concerned Member, the Hon'ble Court directed that the State Government shall take an appropriate decision in respect of the said persons and shall apprise the Hon'ble Court of such decision within a period of eight weeks from the date of the said order. The Hon'ble Court further directed that the State Government, through the Secretary, Revenue Department, shall ensure that appropriate instructions are issued to the In-charge Chairman of the Gujarat Revenue Tribunal before the end of the day, directing him to proceed on administrative leave until an appropriate decision is taken by the State Government with regard to his conduct in the capacity of Chairman of the Tribunal. Thus, pursuant to the aforesaid order passed by the Hon'ble High Court, the concerned Member was relieved from his services/office. It is further pertinent to state that the order in respect of the land in question, which is the subject matter of the present proceedings, was passed during the tenure of the said Member and the matter came to be decided by an order dated 01.05.2024. However, upon verifying the status of the said case on the operative IRCMS portal, it is found that, at the time of the decision of the application as well as till date, the said case has not been shown as "disposed of" online. Consequently, due to the non-reflection/non-updation of the disposal of the said case on the IRCMS portal, the knowledge of the said judgment/order could not be obtained in time and, therefore, the proceedings for preferring an appeal against the said judgment/order could not be initiated within the prescribed period of limitation. It is, therefore, submitted that the delay, if any, in preferring the appeal has occurred for reasons beyond the control of the Appellant and cannot be attributed to any negligence, deliberate inaction or lack of diligence on the part of the Appellant. The Appellant was



prevented from taking timely steps for preferring the appeal on account of the non-reflection of the disposal/status of the case on the official IRCMS portal."

8. According to this Court, the narration of facts in paragraph 17 with regard to the then In-charge Chairman of the Gujarat Revenue Tribunal was completely unwarranted. Instead, the Collector, Vadodara, could have briefly stated that the disposal of the aforesaid Revision Applications was not reflected on the online portal. However, he chose to narrate the history, which, prima facie, in the opinion of this Court, amounts to nothing but casting aspersions on a judicial officer. The narration of such facts on oath, being completely irrelevant, is not only disturbing but also scandalous in nature. As stated hereinabove, any order can be assailed in accordance with law; however, it is unacceptable to name the author of an order sought to be assailed in entirely different proceedings. Merely because a Judicial Officer was relieved from service pursuant to the observations and strictures passed by this Court, all orders passed by that Judicial Officer would not, per se, lose their efficacy unless they are set aside in accordance with law. Under no circumstances can a judicial order be ignored merely by citing the name of the Judicial Officer who passed it.

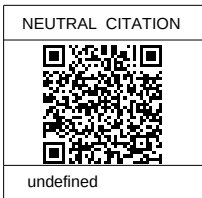


9. At this juncture, it is relevant to take note of the history of Shri Anil Dhamelia, Collector, Vadodara, who is already facing contempt proceedings in Miscellaneous Civil Application (For Contempt) No. 1021 of 2026, in which the Division Bench of this Court, vide order dated 29th April, 2026, framed charges. The said proceedings are pending adjudication.

9.1 Despite the aforesaid contempt proceedings being ongoing, the approach of the learned Collector, Vadodara, appears to have remained unchanged. Time and again, this Court has come across several orders passed by him whereby applications seeking N.A. use permission have been decided contrary to the settled propositions of law. This constitutes an additional ground for not accepting his apology and for treating it as a mechanical one.

10. Accordingly, before referring the matter to the Contempt Bench, this Court would like to afford an opportunity to the highest authority, who is the disciplinary authority, to apprise itself of the approach adopted by the learned Collector, Vadodara.

10.1 Accordingly, the learned Additional Chief Secretary, General Administration



Department, was requested to remain present in the online proceedings. In response to the request, Shri T. Natrajan, In-charge Additional Chief Secretary, General Administration Department, remained present. The situation and the facts and circumstances of the matter were brought to the notice of Shri Natrajan.

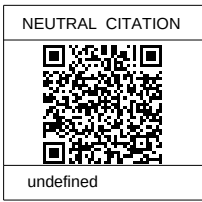
11. Since this is a serious matter, it requires consideration.

11.1 Rule, returnable on 27th November, 2026.

12. Leave is granted to implead the Additional Chief Secretary, General Administration Department, as a party respondent.

13. The learned Assistant Government Pleader is hereby directed to place a copy of this order, along with a photocopy of the entire proceedings in Special Civil Application No.12601 of 2026 and a photocopy of the record of Miscellaneous Civil Application (For Contempt) No.1021 of 2026, before the learned Additional Chief Secretary so that the latter may arrive at an appropriate conclusion.

13.1 On the next date of hearing, the learned Additional Chief Secretary, General



Administration Department, shall apprise this Court of the findings and/or conclusions reached and the further course of action, if any, proposed against the learned Collector, Vadodara.

14. The Registry is directed to treat the present petition as part-heard.

(NIRAL R. MEHTA, J)

ANUP