

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 243 of 2014

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BEDA GRAM PANCHAYAT

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1
 MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1
 MR.SANJAY UDHWANI, ASST.GOVERNMENT PLEADER for the
 Opponent(s) No. 1

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CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
 SUNITA AGARWAL**
 and
HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 09/09/2026

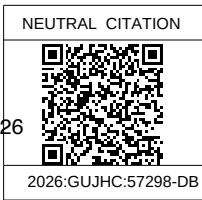
ORAL JUDGMENT (PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. The present petition in the nature of Public Interest Litigation has been filed by Beda Gram Panchayat, Village Beda, Taluka Jesar, District Bhavnagar in the year 2014 with the following reliefs:-

"12. PRAYER:

On the premises, mentioned hereinabove, the petitioner prays to your Lordship's that:

A. Be pleased to issue a writ of mandamus or in the nature of mandamus, or any other appropriate writ, order or direction, to quash and set aside the orders recorded by the Collector dated May 14, 2013 and hold and declare that the State or its officers including the Collector is not competent to divest the villagers of their rights to survive by taking away the land which is used as pastureland for the time immemorial.



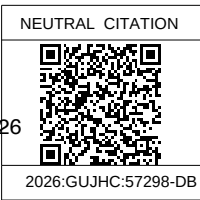
B. Be pleased to a writ of mandamus or in nature of mandamus or any other appropriate writ, order or directions and direct the State to earmark not less than 5000 bighas of land in the pastureland in the village BEDA.

C Be pleased to grant such other and further relief as may be deemed fit."

2. The writ petition has been filed challenging the order of Collector, Bhavnagar dated 14.05.2013 directing for transfer of land of survey Nos.231 / A / 1 and 167 admeasuring 201 Hectare - 36 Are - 24 Sq.mtrs. in favour of the Forest Department so as to compensate the Forest Department in lieu of loss of land of the Forest Department for the construction of Hadaf - Kabutri and Adalwada Scheme, i.e. to compensate the Forest Department for utilization of its land.

3. It is the case of the petitioner Gram Panchayat that the Collector vide order dated 07.07.2013 further transferred a piece of land admeasuring 8094 sq.mtrs. from the aforesaid survey numbers for construction of a school building. The contention is that neither the petitioner Gram Panchayat nor the inhabitants of the village were ever informed by the State Government or the Collector about the transfer of the Panchayat land.

4. The assertions in the writ petition are also about requirement of Gauchar land looking to the last census of the cattle on the premise that the Government have earmarked only 67 Hectares of land as against the total requirement of approximately 1120 Hectares.

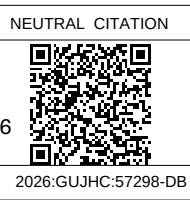


5. It seems that when the matter was argued, an order dated 09.03.2016 was passed by this Court taking note of the Government Resolution with regard of the Gauchar land produced on record while observing that the pendency of the writ petition will not come in the way of the State Government for consideration of additional 150 Hectares of Gauchar land to the Village Beda.

6. The order-sheet indicates that the matter remained pending for long and on various dates, it was adjourned either on the leave note of the learned counsel for the petitioner or on the request made on his behalf.

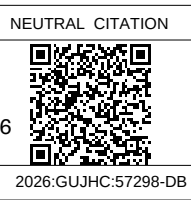
7. An observation was made in the order dated 25.10.2021 on the statement of the learned Assistant Government Pleader that the cause of action for keeping the public interest litigation does not survive as a substantial chunk of land has been allotted for Gauchar purpose by the State Government, but it was adjourned due to absence of the learned advocate for the petitioner. Continuous leave notes and sick notes have been sent by both the learned advocates for the petitioner, as is evident from the order-sheet.

8. Be that as it may, when the matter was taken up on 19.08.2026, we have directed the learned Assistant Government Pleader to seek instructions in writing from the Collector as to the grievances of the petitioner with regard to non-handing over the physical possession of the lands identified and allotted to the Gram Panchayat as Gauchar land.



9. In compliance of this order, an affidavit dated 09.09.2026 has been filed in the Court, wherein it is stated that the Collector, Bhavnagar had passed an order dated 21.07.2016 allocating the land admeasuring 150 Hectares out of survey No.231 / A / paiki / 1 situated at Village Beda for usage of Gauchar land. In implementation of the said order, the physical possession of the aforesaid land has been handed over to the petitioner Gram Panchayat on 19.08.2026. The possession receipt along with the Panchnama executed in the presence of the Panchas on 19.08.2026, which bears the signature of Sarpanch, Talati - cum - Mantri and Circle Officer, Jesar is also appended as Annexure ' R2' therein.

10. Taking note of the contents of the possession receipt and the Panchnama, we may record that the land bearing survey No. 231 / A / paiki / 1 admeasuring 150 sq.mtrs. (out of total 213 - 84 - 77), boundaries of which has been mentioned in the possession receipt, was handed over to the Sarpanch in the presence of the Panchas and the possession memo has been signed jointly by the Sarpanch, Talati - cum - Mantri and Circle Officer, Jesar. Having noted the contents of the possession receipt at the Panchama, it is difficult for us to accept the submission of the learned counsel for the petitioner that the actual physical possession of the allotted land has not been handed over to the Sarpanch and the possession receipt and Panchkam only represent the transfer of paper possession.



11. The statement in the possession receipt that physical possession of the lands in question on the spot was handed over to the Sarpanch, boundaries of which has been indicated in the possession receipt itself, cannot be ignored by us.

12. In view of the above, we find that the challenge to the order of the Collector for transfer of a piece of village land to the Forest Department in lieu of utilization of Forest land for the Government Scheme, cannot be sustained.

13. However, for any leftover grievances of the petitioner Gram Panchayat with regard to the shortage of Gauchar land in the village as against the current requirement, it would be open for the Gram Panchayat to pass a resolution to represent to the Collector putting up its requirement for additional Gauchar land.

14. In case any such resolution is passed or decision is taken by the Gram Panchayat, the disposal of the present petition will not come in its way. With the above, we consign the the present petition to records. Disposed of, accordingly.

(SUNITA AGARWAL, CJ)

(DIVYESH A. JOSHI,J)

SAHIL S. RANGER