



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (FOR CHALLENGING
VIRES/ULTRA VIRES) NO. 9578 of 2025

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UMARBHAI BACHUBHAI KABARIYA & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR VIVEK V BHAMARE(6710) for the Applicant(s) No. 1,2,3,4,5
MR VN BHAMARE(1122) for the Applicant(s) No. 1,2,3,4,5
MS. MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**
SUNITA AGARWAL
and
HONOURABLE MR.JUSTICE D.N.RAY

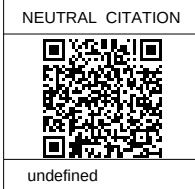
Date : 14/07/2025

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

1. This is wholly misconceived petition which seem to have been filed on ill-advice of the learned advocate who is taking aid of the decision of the Apex Court dated 26.05.2025 whereby writ petition filed under Article 32 of the Constitution of India before the Apex Court by the petitioners herein has been disposed of reserving liberty to the petitioners to seek remedies in accordance with law. The present petition has been filed with the prayers as under:-

“(a) To allow this application;

(b) To hold and declare that the provisions of the being the Gujarat Land Grabbing (Prohibition) Act, 2020 along with



Gujarat Land Grabbing (Prohibition) Rules, 2020 as ultra vires to the Constitution of India being in violation of Article 14, 20, 21 and Article 254 of the Constitution of India;

(c) To issue appropriate Writ, Order Direction quashing and setting aside FIR being C.R No. 11198035240935 of 2024 registered with Mahuva Police Station, Bhavnagar alleging offence U/s 4(3), 5(c) of the Gujarat Land Grabbing (Prohibition) Act, 2020 and consequential actions pursuant thereto;

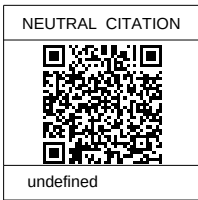
(d) Pending admission, hearing and final disposal of this application, to stay further proceeding and actions in connection with FIR being C.R No. 11198035240935 of 2024 registered with Mahuva Police Station, Bhavnagar alleging offence U/s 4(3), 5(c) of the Gujarat Land Grabbing (Prohibition) Act, 2020."

2. We may note that this is the second round of writ petition before this court seeking for quashing of the First Information Report. In the first round in the quashing petition, in Special Criminal Application (Quashing) No. 12521 of 2021 filed by the petitioners herein, following order has been passed:-

"Learned advocate Mr. Vivek Bhamare for the applicants seeks permission to withdraw this application at this stage, with a view to avail other remedy available in accordance with law, including the remedy under the provisions of the Gujarat Rents, Hotel and Lodging House Rates Control Act as directed by the Collector in the impugned order.

Permission, as prayed for, is granted. Present Application is disposed of as withdrawn, with above liberty.

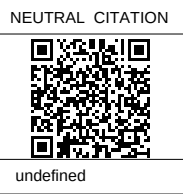
3. In so far as the prayers 'B' in the writ petition seeking for declaration of the Gujarat Land Grabbing (Prohibition) Act,



2020 read with the Gujarat Land Grabbing (Prohibition) Rules, 2020 as ultra-vires to the Constitution of India, the issue has been adjudicated by this court in the judgment and order dated 09.05.2024, passed in a bunch of writ petition being Special Civil Application No.2995 of 2021.

It is thus evident that none of the reliefs prayed in the present petition are available to be agitated in the second round of petition under the garb of the observation made by the Apex Court in the order dated 26.05.2025. It is made clear that once the validity of the statutory provision has been adjudicated by this court, no subsequent petition seeking to agitate the issue of validity of the same statutory provision can be entertained.

As noted above, for the other reliefs of quashing of the First Information Report, the petitioner has earlier approached this court and vide order dated 19.11.2024, extracted hereinbefore, he was permitted to withdraw the petition with the liberty to avail the appropriate remedy. After withdrawal of the Quashing Petition No. 12521 of 2021 vide judgment and order dated 19.11.2024, it appears that by concealment of all material facts, the petitioners have approached the Apex Court in a petition under Article 32 of



the Constitution of India registered as Writ Petition(s) (Criminal) No(s). (200/2025).

The copy of the petition under Article 32 of the Constitution of India is filed before the Apex Court is not before us. Even otherwise, once the petitioners have withdrawn the writ petition filed for quashing of the First Information Report with the judgment and order dated 19.11.2024, same relief cannot be prayed by way of the present writ petition filed under the garb of challenging the validity of the statutory petition. From all angles, the present petition is nothing but an abuse of the process of the Court. The petition is accordingly dismissed, being misconceived with the warning to the petitioner that any future attempt may by him may entail exemplary cost.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BINA SHAH