

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1635 of 1996

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HARENDRAKUMAR S PARIKH

Versus

URBAN LAND CEILING TRIBUNAL  
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CORAM : MR.JUSTICE A.N.DIVECHA

Date of decision: 29/02/96

ORAL ORDER

No fault can be found with the appellate order though passed as ex parte against the petitioner as the petitioner did not remain present on the date of hearing on 29th April 1995. In absence of any cogent and convincing material on record, it is difficult to believe that on behalf of the petitioner - appellant an application for adjournment was made on the ground of the Advocate's sickness. Even if such telegram was sent, it appears not to have been received at the end of the appellate authority and on the very same day the order has been passed. In that view of the matter, it cannot be said to have been passed in contravention of the rule of audi alteram partem.

2. So far as the order passed by the Competent Authority is concerned, correct principles of law are found to have been applied. All authorised constructions in existence prior to coming into force of the Urban Land (Ceiling and Regulation) Act, 1976 have been excluded from the holding of the petitioner as transpiring from para 1 onwards at internal page 6 thereof in the order at Annexure-D to this petition. So far as deduction in the area of the land consequent upon implementation of the Town Planning Scheme is concerned, the Competent Authority has rightly reduced the area of the land proportionately with respect to the lands sold to various persons. In that view of the matter, the land sold to Charansingh Bishansingh on 5th January 1970 was rightly assessed at 4194 square metres.

3. The impugned order passed by the Competent Authority at Annexure-D to this petition is in consonance with principles of law and it calls for no interference by this

Court in this petition under Article 226 of the Constitution of India.

4. In the result, this petition is summarily rejected.

29th February 1996 ( A.N.DIVECHA, J. )