

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5777 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.N.DIVECHA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PRAVINKUMAR GOVINDLAL PATEL

Versus

STATE OF GUJARAT

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Appearance:

Shri P.M. Thakkar, Senior Advocate, for Messrs.

Thakkar Associates, Advocates, for the Petitioner

Shri T.H. Sompura, Assistant Government Pleader,  
for the Respondents

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CORAM : MR.JUSTICE A.N.DIVECHA

Date of decision: 31/08/96

ORAL JUDGEMENT

The petitioner has moved this Court under art. 226 of the Constitution of India for two reliefs. He wants the order passed by the Competent Authority at Vadodara (respondent No. 2 herein) on 30th January 1987 under sec. 8(4) of the Urban Land (Ceiling and

Regulation) Act, 1976 (the Act for brief) to be quashed and set aside. The second relief the petitioner wants from this Court is that a direction may be issued to the State Government (respondent No.1 herein) for deciding the proceeding under sec. 34 of the Act with respect to the aforesaid order passed by respondent No. 2.

2. The facts giving rise to this petition move in a narrow compass. The petitioner is an heir of one Govindbhai Nanabhai Patel (the deceased for convenience). It appears that the deceased filed his declaration in the prescribed form under sec. 6(1) of the Act. He appears to have breathed his last thereafter leaving behind him the present petitioner as one of his heirs and legal representatives. In response to the draft statement served under the relevant provisions contained in sec. 8 of the Act, the heirs and legal representatives of the deceased filed their objections. Thereafter, by the order passed on 30th January 1987, respondent No.2 declared the holding of the deceased to be in excess of the ceiling limit by 16105 square meters. Its copy is a part of Annexure B collectively to this petition. It appears that the heirs and legal representatives of the deceased carried the matter in revision under sec. 34 of the Act before respondent No. 1 through the Revenue Minister. A copy of their revision application is at Annexure C to this petition. It has remained pending with respondent No. 1. The petitioner has thereupon approached this Court by means of this petition under art. 226 of the Constitution of India for quashing and setting aside the order at Annexure B (part) to this petition or in the alternative for a writ of mandamus directing respondent No. 1 to dispose of the revision application at Annexure C to this petition.

3. It transpires from the application at Annexure C to this petition that it was made on 19th January 1993. Learned Assistant Government Pleader Shri Sompura for the respondents has submitted that respondent No. 1 will dispose of the application at Annexure C to this petition on its own merits according to law as expeditiously as possible. In that view of the matter, this petition deserves to be accepted for the limited purpose of giving direction to respondent No. 1 to dispose of the aforesaid application at Annexure C to this petition as expeditiously as possible.

4. In the result, this petition is accepted to the aforesaid extent. A writ of mandamus is ordered to be issued to the State Government (respondent No.1 herein) directing it to dispose of the application made on 19th

January 1993 at Annexure C to this petition on its own merits according to law as expeditiously as possible preferably by 31st October 1996. Rule issued on this petition is accordingly made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

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