

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8065 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
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? : NO

-----  
JIVABHAI MEPABHAI CHAVDA

Versus

MAMLATDAR

-----  
Appearance:

MR TUSHAR MEHTA for Petitioner

MR MUKESH PATEL for Respondent

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/05/2000

ORAL JUDGEMENT

#. Rule. Mr.Mukesh Patel has put appearance for the respondent. The matter is complete. Looking to the fact that this matter is covered by two decisions of this court, it is taken up for final hearing today.

#. I am in agreement with the submission made by learned counsel for the petitioner that this matter is squarely covered by decision of this court in two matters, details of which are as under:

(i) Rabari Jitendrakumar Arjanbhai v. Dean - Special Civil Application No.4593 of 1999 and cognate matters

(ii) Karmata Kalabhai Lakhmanbhai v. Mamlatdar - Special Civil Application No.4007 of 1999 with Civil Application No.13273 of 1999

It is stated that against the judgment given in Special Civil Application No.4593 of 1999 (supra) the State of Gujarat has filed L.P.A. The L.P.A. has been admitted and the operation of the order has also been stayed.

#. That is hardly any ground to defer hearing of this matter. Judgement is there, only implementation has been stayed. If the State of Gujarat is aggrieved of this judgment they can also take this matter in the L.P.A.

#. In the result, the Special Civil Application is allowed and the prayer made in sub-para (A) of para-6 of the Special Civil Application is granted. Rule is made absolute. However, in the facts of the case, no order as to costs.

.....

(sunil)