

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5996 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

- =====
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

SHREE KRUSHNA DYESTUFF	INDUSTRIES
Versus	
GUJARAT INDUSTRIAL DEVELOPMENTCORPORATION	

Appearance:

MR KV SHELAT for Petitioner
MR GIRISH D BHATT for Respondent No. 1, 2

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 28/02/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. By means of this petition, the petitioner sought for quashing and setting aside the impugned orders Annexure-F dated 30-10-1998/5-11-1998 and Annexure-H dated 16-7-1999.

3. The learned counsel for the respondents pointed out that the alternative remedy of appeal is provided u/s 9 of the Gujarat Public Premises (Eviction of Unauthorized Occupants) Act, 1972 and hence an appeal is required to be filed before the District Judge concerned u/s 9 of the aforesaid Act against the impugned orders. However, no such appeal has been filed before the District Judge concerned against the impugned orders so far.

4. In the facts and circumstances of this case and in view of the provisions contained in Section 9 of the Gujarat Public Premises (Eviction of Unauthorized Occupants) Act, 1972, the petitioner would be at liberty to file an appeal before the District Judge concerned as required u/s 9 of the aforesaid Act within a period of two weeks from today. In case, such appeal is filed by the petitioner within stipulated time, the District Judge concerned shall decide the same appeal on merits in accordance with law after giving reasonable opportunity of hearing to the parties, without going into the question of limitation.

5. Till hearing of the appeal if filed by the petitioner before the District Judge concerned, the interim relief granted by this, shall continue..

6. With the above observations and directions, this petition stands disposed of. Rule is discharged, with no order as to costs.

Date:-28-2-2001. (Kundan Singh, J.)

/JVSatwara/