

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 474 of 1987

in

SPECIAL CIVIL APPLICATION No 4976 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

and

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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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 concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BALRAM CEMENT LTD

Versus

STATE OF GUJARAT

Appearance:

1. LETTERS PATENT APPEAL No. 474 of 1987
NOTICE SERVED for Appellant No.
MS NANDINI JOSHI AGP for Respondent No. 1,3
MR DN PATEL for Respondent No. 2
MR DHAVAL G NANAVALI for Respondent No. 2
MR GIRISH PATEL for Respondent No. 4
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CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 27/06/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

#. Heard learned counsel for the parties.

#. Against the judgment and order dated 23.11.1997 passed by learned Single Judge of this court in Civil Application No.1665/87 in Special Civil Application No.4976/87 the present appeal is filed by appellant-Shri Balaram Cement Limited, which is original respondent No.4 of the main writ petition.

#. Learned Single Judge by his judgment and order dated 23.11.1987 refused to vacate ad-interim relief granted earlier in favour of original petitioner and order passed by the learned Single Judge was challenged in this appeal. Ms.Joshi, learned, AGP for respondent No.1-State of Gujarat has produced before us copy of the order dated 20.12.1987 passed by the Division Bench of this court (Coram : A.M.Ahmedi and D.H.Shukla, JJ.) in Civil Application No.2144/87 filed in this appeal for interim orders. The said order has remained in force till today. The term of the officers of the applicant-appellant is for a period of 20 years, which is going to expire next year in 2004. When the interim relief granted in 1987 in favour of the present appellant continued for all these years, then we are of the considered opinion that without going into the merits of the case and without expressing any opinion about the legality and validity of the order dated 23.11.1987 passed by the learned Single Judge of this court in Civil Application No.1665/87 this appeal stands disposed of in terms of the order passed by the Division Bench of this court in Civil Application No.2144/87 with a request to the learned Single Judge now to hear and decide main Special Civil Application No.4976/87 as early as possible.

#. Accordingly, this appeal is disposed of in terms of interim order passed by the Division Bench of this court in Civil Application No.2144/87 without expressing any opinion about the legality and validity of the order dated 23.11.1987 passed by the learned Single Judge of this court in Civil Application No.1665/87. However, the learned Single Judge is now requested to hear main writ petition i.e. Special Civil Application No.4976/87 as

early as possible.

Civil Application No.2144/87 stands disposed of
as the main appeal itself is disposed of.

(B.J.Shethna, J.)

(Akshay H. Mehta, J.)

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