

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 6927 of 1990****For Approval and Signature:****HON'BLE MR JUSTICE AKIL KURESHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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HAVABIBI D/O AHMED LALA & 5 - Petitioner(s)
Versus
COMPETENT AUTHORITY & DEPUTY COLLECTOR (ULC) & 2 - Respondent(s)

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Appearance :

MS KJ BRAHMBHATT for Petitioner No(s).: 1,2,3,4,5,6.

MR PR ABICHANDANI AGP for Respondent No(s).: 1, 2,3.

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CORAM : HON'BLE MR JUSTICE AKIL KURESHI**Date : 28/07/2005****ORAL JUDGMENT**

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1.By filing an affidavit dated 14th July, 2005, the Competent Authority and Additional Collector ULC, Surat, has stated inter alia that pursuant to the

proceedings undertaken under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 a final statement under Section 9 of the said Act was issued declaring 26,118 sq. mtrs. of land bearing Survey No.28/1 paiki of Village Kapadra, District Surat as surplus vacant land. Notifications under Section 10(1) and Section 10(3) of the said Act were issued on 28/9/88 and 11/6/90 respectively. These notifications were published on 20th October, 1988 and 2nd August, 1990 respectively. Notice under Section 10(5) of the said Act was also issued on 14/9/1990 to the land owner to hand over the possession of excess vacant land. The petitioners thereupon filed the present petition and obtained status-quo order on 28/9/1990 and, therefore, the possession of the surplus land could not be taken due to status-quo order granted by the High Court. It is also stated that though interim order was vacated by the High Court by an order dated 19/6/1992, it was granted again by an order dated 18/3/1994 to last till the final disposal of the petition. From the record of the case, it is seen that on 19/6/1992 the petition was dismissed for default and interim order was vacated. However, subsequently after restoration of the petition, the same was admitted by an order dated

18/3/1994 and by way of interim relief both sides were directed to maintain status-quo till final disposal of the petition. It is further stated in the said affidavit that on the date of coming into force of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 on 30th March, 1999 the possession of the surplus vacant land had not been taken by the Government.

2. In view of this clear averment on affidavit made by the respondents and in view of the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and proceedings relating to land in question would abate. The petition is disposed of accordingly. Rule made absolute with no order as to costs.

(Akil Kureshi, J.)

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