

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9812 of 2005

to

SPECIAL CIVIL APPLICATION No 9845 of 2005

For Approval and Signature:

HON'BLE MS.JUSTICE H.N.DEVANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 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? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

GANGADASBHAI NARAYANBHAI LIMBASIA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9812 of 2005
MR KD VASAVADA for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 1,2-4
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CORAM : HON'BLE MS.JUSTICE H.N.DEVANI

Date of decision: 27/05/2005

ORAL JUDGEMENT

1. Heard Mr. Vasavada, ld. advocate for the petitioner. Rule. Mr. R.M. Chhaya, Ld. Advocate waives service of rule on behalf of Respondents No.3 and 4 and Mr. Dipen Desai, Ld. A.G.P. waives service of rule on behalf of respondent No.1 and 2.

2. With the consent of the ld. advocate for the respective parties, the matter is taken up for hearing and disposal today.

3. Mr. Vasavada, ld. advocate appearing for the petitioners has made a grievance that before issuing a notice under Section 68 of the Gujarat Town Planning and Urban Development Act, 1976 read with Rule 33 of the Gujarat Town Planning Rules, personal hearing has not been given to the petitioners, who are occupiers of original plot No.14, 15 and 21 of Town Planning Scheme No.11 of Rajkot.

4. Mr. Chhaya, ld. advocate appearing on behalf of the Corporation has submitted that without prejudice to the rights and contentions of the respondent Corporation to the effect that personal hearing is not required, still the petitioner will be heard for the purpose of implementation of the Town Planning Scheme on 31.05.2005 which is agreed by the petitioner.

5. In view of the aforesaid statements, nothing survives in the present petition and the same is disposed of accordingly, Rule is made absolute to the aforesaid extent with no order as to costs.

[H.N. DEVANI, J.]

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