

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 13586 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

=====

=

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 ?

=====

=

KHAGEN KISHANBHAI KASHIWALA
Versus
THE STATE OF GUJARAT AND OTHERS

=====

=

Appearance :

MR UMANG K CHOKSI for the Petitioner

MR DR CHAUHAN, ASSISTANT GOVERNMENT PLEADER for the Respondents

=====

=

CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 31/05/2007

ORAL JUDGMENT

1. Mr.Choksi, learned advocate for the petitioner relied upon judgment and order passed by this Court in Special Civil Application Nos.11456, 12380 and 12382 of 2006 dated 10.07.2006. A copy of the same is placed on record.

2. **RULE**. Mr.D.R.Chauhan, learned Assistant Government Pleader waives service of Rule on behalf of the respondents.

3. This petition is filed being aggrieved of order passed by the authority, respondent No.3 - Deputy Collector of Stamps, Ahmedabad dated 15.09.2001. The grievance of the petitioner is that the impugned order is passed without giving an opportunity of hearing to the petitioner and also without taking into consideration the observations made by this Court in matters having similar facts, before passing such order.

4. On the short ground of non observance of principles of natural justice, the order impugned in this petition is quashed and set aside. The matter is remanded to the authority to consider the matter afresh and pass reasoned orders after taking into consideration the submissions of the petitioner.

5. It will be open to the party concerned to point out and place the decisions of this Court, which they wish to rely upon before the authority.

Initially the petitioner shall remain present before the authority on 12.06.2007 at 11.00 AM. It will be open to the authority to fix future schedule of hearing on that day. The petition is disposed of with the aforesaid directions. Rule is made absolute. No order as to costs.

(RAVI R. TRIPATHI, J.)

*Shitole