

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.6020 of 2012
With
SPECIAL CIVIL APPLICATION NO.11828 of 2012
TO
SPECIAL CIVIL APPLICATION NO.11832 of 2012

FOR APPROVAL AND SIGNATURE:**HONOURABLE MS. JUSTICE HARSHA DEVANI**

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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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DILIPSINH J JADEJA & 5....Petitioner(s)

Versus

RESERVE BANK OF INDIA & 4....Respondent(s)

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Appearance:

MR DK PUJ, ADVOCATE for the Petitioner(s) No.1 - 6
 GOVERNMENT PLEADER for the Respondent(s) No.3
 MR AMAR N BHATT, ADVOCATE for the Respondent(s) No.1 - 2
 MR SHIRISH JOSHI, ADVOCATE for the Respondent(s) No.4
 RULE SERVED for the Respondent(s) No.1 - 5
 RULE SERVED BY DS for the Respondent(s) No.4 - 5

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CORAM: HONOURABLE MS. JUSTICE HARSHA DEVANI

Date : 30/06/2014

COMMON ORAL JUDGMENT

1. By these petitions, the petitioners seek a

declaration that the directions issued by the General Manager, Urban Banking Division, Reserve Bank of India – respondent No.2 herein on 28th March, 2012 as well as 2nd April, 2012 while exercising powers under section 35-A of the Banking Regulation Act, 1949 are not applicable to the banker's cheques already issued in favour of the present petitioners by the fourth respondent bank on 31st March, 2012 as well as other ancillary reliefs.

2. Mr. Amar Bhatt, learned advocate for the respondents No.1 and 2 has placed on record a communication dated 22nd January, 2014 of the Principal Chief General Manager, Reserve Bank of India whereby it is stated that in exercise of powers vested in the Reserve Bank of India under sub-section (2) of section 35-A of the Banking Regulation Act, 1949 (as applicable to Co-operative Societies), the directions dated 2nd April, 2012 issued to the Bhuj Mercantile Co-operative Bank Ltd. are withdrawn.

3. Ms. Niyati Shah, learned advocate for Mr. D.K. Puj, learned advocate for the petitioners submits that in the light of the above instructions issued by the second respondent, the grievance voiced in the present petitions does not survive.

4. In the aforesaid premises, the petitions are disposed of as having become infructuous with liberty to the petitioners to file fresh petitions in case of difficulty. Rule is discharged with no order as to costs in each petition.

(Harsha Devani, J.)

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