

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**LETTERS PATENT APPEAL NO. 1915 of 2004****In SPECIAL CIVIL APPLICATION NO. 994 of 2003****With****CIVIL APPLICATION NO. 8393 of 2004****In****LETTERS PATENT APPEAL NO. 1915 of 2004****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE JAYANT PATEL****and****HONOURABLE MR.JUSTICE G.B.SHAH**

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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 or any order made thereunder ?	

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PN PARMAR & 5....Appellant(s)**Versus****STATE OF GUJARAT & 6....Respondent(s)**

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Appearance:**MS ARCHANA U AMIN, ADVOCATE for the Appellant(s) No. 1 , 3****NOTICE SERVED for the Appellant(s) No. 2 , 4 - 5**

UNSERVED-EXPIRED (N) for the Appellant(s) No. 6
MR DHAWAN M. JAYSWAL, AGP for the Respondent(s) No. 1
RULE SERVED for the Respondent(s) No. 2 - 7
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CORAM: **HONOURABLE MR.JUSTICE JAYANT PATEL**
and
HONOURABLE MR.JUSTICE G.B.SHAH

Date : 30/04/2015

ORAL JUDGMENT

(PER : HONOURABLE MR.JUSTICE JAYANT PATEL)

1. The present appeal is directed against the order dated 16-9-2004 passed by the learned Single Judge of this Court in Special Civil Application No.994 of 2003 whereby the learned Single Judge, for the reasons recorded in the order, has not interfered with the decision for cancellation of the deemed date, but at the same time, the learned Single Judge has quashed the recovery for the difference of the amount already paid prior to the cancellation of the deemed date.
2. We may record that originally the appeal was preferred by six persons out of whom, the appellant Nos.2,4 and 5, inspite of the notices, have not made any alternative arrangement. The appellant No.6 has expired and therefore, appeal would stand abated qua him. But for appellant Nos.1 and 3, Ms.Archana Amin has appeared.
3. We have heard Ms.Amin, learned counsel, for respective appellant Nos.1 and 3 and Mr.Jayswal, learned AGP, for the respondent No.1-State at length.
4. After the arguments, the learned counsel for the appellant Nos.1 and 3 states that if the appellant Nos.1 and 3-original petitioner Nos.6 and 9 are permitted to make representation to the higher authority and if higher authority is directed to look into the matter for ventilating the grievances of the

appellant Nos.1 and 3, her clients could be satisfied.

5. Whereas Mr.Jayswal, learned AGP, states that if such direction is given to the higher authority, the matter will be examined in accordance with law.
6. Hence, considering the facts and circumstances, it is directed that if the appellant Nos.1 and 3-original petitioner Nos.6 and 9 make a representation to the Secretary, Revenue Department, within a period of four weeks from today with the supporting documents, the same shall be examined by the Secretary, Revenue Department, after hearing the appellant Nos.1 and 3 and the appropriate decision shall be taken by him and the same will be communicated to the concerned appellants. Aforesaid exercise shall be completed by the Secretary, Revenue Department, within a period of three months from the receipt of the representation.
7. It is needless to state that the Secretary, Revenue Department, shall examine the matter independently in accordance with law. The appeal is disposed of in terms of the aforesaid direction and observation. No order as to cost.
8. In view of the order passed in main Letters Patent Appeal, Civil Application No.8393 of 2004 would not survive and shall stand disposed of.

(JAYANT PATEL, J.)

(G.B.SHAH, J.)

RADHAN