

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 845 of 2024**

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JASHUBHAI DHANJIBHAI MAKWANA

Versus

STATE OF GUJARAT

=====

Appearance:

MS MAMTA R VYAS(994) for the Petitioner(s) No. 1

for the Respondent(s) No.

2,2.1,2.2,2.3,2.4,2.5,2.6,2.7,2.8,3,3.1,3.2,3.3,3.3.1,5

MS. SHRUTI PATHAK, AGP for the Respondent(s) No. 1,4

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**CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 31/01/2024****ORAL ORDER**

1. By way of present petition, the petitioner herein has prayed for the following reliefs:

*"10. In the aforesaid premises, the petitioner prays to this Hon'ble Court that:*

*(A) Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction holding and declaring that the sale of land admeasuring Ha. - Are 1-33-55 Sq.mt. of Survey No. 463 situated at Sargasan, Tal. Dist. Gandhinagar is illegal and contrary to rules and further be pleased to quash and set aside the order dated 19/06/2023 passed by the Assistant Charity Commissioner in Charge Report No. 117/2023 at Annex. "G" and further be pleased to hold that the proceedings undertaken by the Revenue Authority are without authority and Respondent No. 3 do not have any right of tenancy and*

*further be pleased to direct the Charity Commissioner to show the aforesaid property in the PTR in the name of the Trust;*

*(B) Pending admission, hearing and final disposal of the present petition, Your Lordships may be pleased to stay the order dated 19/06/2023 passed by the Assistant Charity Commissioner, Gandhinagar in Change Report No. 117/2023 at Annex. "G" and further be pleased to direct the respondent No.5, his agents and servants from, selling, transferring or alienating the aforesaid land to any other party and maintain the status quo.*

*(C) Be pleased to pass such other and further relief as may be deemed fit by Your Lordships in the facts and circumstances of the case and in the interest of justice."*

2. Heard Ms. Mamta Vyas, the learned advocate appearing for the petitioner and Ms. Shruti Pathak, the learned AGP appearing for respondent No. 4.

3. Ms. Pathak, the learned AGP appearing for respondent No.4 , on instructions, submitted that the application duly produced at Page-92, Annexure "H", dated 5.7.2023, is being considered by the respondent No.4 and has placed on record the communication dated 24.1.2024, wherein taking the said communication into consideration, the Commissioner, Public Trust Record, Gandhinagar, is directed to inquire into the grievance

raised by the petitioner herein. So far as the grievance with respect to Change Report No. 117/2023 is concerned, it is kept open for the petitioner to take appropriate steps in accordance with law. The said communication dated 24.1.2024 is taken on record.

4. Considering the aforesaid submissions made by Ms. Shruti Pathak, the learned AGP, the grievance raised by the petitioner by filing representation, the attention drawn by the petitioner qua respondent No.4 herein with respect to the allegation levelled against the private respondents by the petitioner herein, is being addressed by the respondent No.4. Liberty is reserved in favour of the petitioner herein to challenge the order dated 19.6.2023 passed by the Assistant Charity Commissioner in Change Report No.117/2023, in accordance with law.

In the interest of justice, the respondent No.4 to decide the representation filed by the petitioner herein dated 5.7.2023 as expeditiously as possible.

Without entering into merits of the matter, the present petition is disposed of accordingly.

Direct Service is permitted.

SAJ GEORGE

**(VAIBHAVI D. NANAVATI,J)**