

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7187 of 2025**

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KANUBHAI BAKORBHAI TADVI
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:

KHYATI A CHUGH(10132) for the Petitioner(s) No. 1
MR. PARTH H BHATT(6381) for the Petitioner(s) No. 1
MS SHRUTI DHRUVE, AGP for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

Date : 22/05/2025

ORAL ORDER

1. Heard the learned counsel for the petitioner.
2. It is submitted by the learned counsel for the petitioner that the petitioner was issued the show cause notice dated 11.12.2024 and 17.12.2024 by the respondent No.3 to remain present for hearing on 23.12.2024 at 11.00AM before the respondent No.2 Collector since the mining lease of the petitioner was within 1 kilometer of the railway bridge and why the same should not be suspended and the ATR of the petitioner be locked. The learned counsel for the petitioner submits that without passing the reasoned order, the ATR of the petitioner has been locked.
3. The learned AGP, upon instructions from the respondent No.2 Collector, submits that the petitioner was given a hearing on 23.12.2024 and the written submissions were also submitted by the petitioner, however, no reasoned order has been passed before locking the ATR of the petitioner. He submits that appropriate orders may be passed.

4. In view of the admitted fact that no reasoned order has been passed before locking the ATR of the petitioner, the respondent No.2 Collector is directed to give fresh hearing to the petitioner once again within a period of two weeks. The petitioner shall be permitted to raise all the contentions as available to the petitioner in law and file the written submissions also. Upon hearing the petitioner, the respondent No.2 Collector shall adjudicate all the contentions of the petitioner on its own merits in accordance with law and pass a reasoned order within a period of four weeks thereafter. In the meantime, the respondents are directed to unlock the ATR of the petitioner forthwith.

5. It is made clear that this Court has not gone into the merits of the case of the petitioner and no opinion is expressed thereon.

6. With the aforesaid directions, the present Special Civil Application is disposed of.

No order as to costs.

Direct service is permitted.

HARSHIT/GIRISH

(MOOL CHAND TYAGI, J)