

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.388 of 2024

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BABUBHAI ISHWARDAS PATEL

Versus

MAMLATDAR, KADI

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Appearance :

MR VIRAL K SALOT for the Petitioner.

for the Respondent Nos.2,3,4

ADVANCE COPY SERVED TO GOVERNMENT PLEADER for the Respondent
No.1.

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CORAM:**HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 11/01/2024

ORAL ORDER

1. Learned advocate Mr. Viral Salot appearing for the petitioner draws attention to the fact that the petitioner, namely, Babubhai Ishwardas Patel has not been made a party in the proceedings before the Mamlatdar, Kadi in Mamlatdar Court Case No.11 of 2023 though contention was raised that the petitioner has denied the right of way to the applicant.

2. Further, even the Mamlatdar, Kadi also while deciding the aforesaid case has come to the conclusion that road has been blocked by the petitioner and has directed the parties not to obstruct the applicant from using his right of way. According to learned advocate Mr. Salot, the Mamlatdar has reached to the aforesaid conclusion without even making the present petitioner as party in the said proceedings and, therefore, the impugned order dated 23.10.2023 of the Mamlatdar, Kadi is bad. He, therefore, submitted that the petitioner has straightway approached this

Court for efficacious alternative remedy.

3. In view of the above, **issue notice to the respondents returnable on 30.1.2024**. In the meantime, the impugned order dated 23.10.2023 passed by the Mamlatdar, Kadi in Mamlatdar Court Case No.11 of 2023 shall remain stayed. Direct service is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA