

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1573 of 2023**

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HEMLATABEN WD/O MAHESHBHAI THAKORBHAI DESAI

Versus

STATE OF GUJARAT

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Appearance:

SHYAMAL K BHIMANI(8233) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 2,3

MR RONAK RAVAL, AGP for the Respondent(s) No. 1

MR ADIL R MIRZA(2488) for the Respondent(s) No. 4,5

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA****Date : 08/02/2023****ORAL ORDER**

1. Learned advocate Mr.Bhimani appearing for the petitioners, upon instructions of the petitioner No.2 - Mithun Maheshbhai Thakorbhai Desai, who is present before this Court, has submitted that in fact, the petitioners are allowing the respondent Nos.4 and 5 to use their land to access the land of the private respondents.

2. Under the circumstances, since a specific statement is made before this Court by the learned advocate Mr.Bhimani, upon instructions of the petitioners, the petitioners shall allow the private respondents to access their land from the land of the petitioners till the next date. The respondent Nos.2 and 3 are directed not to take any coercive action till the next date. In case, if it is found by this Court that the petitioners have violated the statement made before this

Court, the writ petition would be dismissed by imposing an exemplary costs on them and further action would be taken against them under the Contempt of the Courts Act, 1971. It is also directed to the respondent No.3 to file an affidavit clarifying the actual position of the land of the petitioners prevailing today onwards.

3. **Notice** returnable on **20.03.2023**. Learned AGP for the respondent No.1, learned advocate Mr.Mirza for the respondent Nos.4 and 5 waive service of notice for and on behalf of the respective respondents.

Direct service **TODAY** qua respondent Nos.2 and 3 is permitted.

Sd/-
(A. S. SUPEHIA, J)

NVMEWADA