

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 2074 of 2022

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KUSUMBEN SUNILBHAI HARIJAN
Versus
STATE OF GUJARAT

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Appearance:

MS TEJAL A VASHI(2704) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,4,5
,6,7,8,9

for the Respondent(s) No. 2,3,4,5,6,7

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 07/02/2022

ORAL ORDER

1. Mr. Jal Unwalla, learned Senior Counsel appearing with Mr. Tejal Vashi, learned Advocate for the petitioners has tendered the draft amendment. Amendment is allowed in terms of the draft. The same shall be carried out forthwith.

2. Learned Senior Counsel for the petitioners submitted that the petitioners are aggrieved by the order dated 07.11.2017 and the communication dated 04.01.2022. It is submitted that all throughout the proceedings, the petitioners were neither issued any notice nor heard and therefore, the proceedings if at all initiated would be in violation of principles of natural justice. It is submitted that the respondent no. 7 being the flat holder in two blocks namely A and B had some dispute with the respondent no. 6 i.e. the Developer and therefore the proceedings were initiated which led to the passing of the order dated 10.05.2019 in Special Civil Application No. 9339 of 2019. It is submitted that the petitioners were not heard and the petition was disposed of at

admission stage. It is submitted that similar petition being Special Civil Application No. 1593 of 2022 has been filed by the respondent no. 6 and this Court has granted protection directing the parties to maintain status quo.

3. Considered the submissions. Issue notice to the respondents returnable on 17.02.2022.

4. In the meantime, parties are directed to maintain status quo.

SINDHU NAIR

(SANGEETA K. VISHEN,J)