

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 72 of 2018
In R/SPECIAL CIVIL APPLICATION NO. 13924 of 2009

With

CIVIL APPLICATION (FOR STAY) NO. 1 of 2018
In R/LETTERS PATENT APPEAL NO. 72 of 2018

With

R/SPECIAL CIVIL APPLICATION NO. 179 of 2010

With

CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2018
In R/SPECIAL CIVIL APPLICATION NO. 179 of 2010

With

R/SPECIAL CIVIL APPLICATION NO. 180 of 2010

With

CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2018
In R/SPECIAL CIVIL APPLICATION NO. 180 of 2010

With

R/SPECIAL CIVIL APPLICATION NO. 3647 of 2010

With

CIVIL APPLICATION (FIXING DATE OF EARLY HEARING) NO. 1 of 2018

In R/SPECIAL CIVIL APPLICATION NO. 3647 of 2010

With

CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022
In R/SPECIAL CIVIL APPLICATION NO. 3647 of 2010

With

R/SPECIAL CIVIL APPLICATION NO. 9033 of 2017

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ADMINISTRATIVE OFFICER

Versus

PATIL SANDIP RAMESH & 9 other(s)

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Appearance in LPA No.72 of 2018:

MR KAUSHAL D PANDYA(2905) for the Appellant(s) No. 1

MR TIRTHRAJ PANDYA, ASSTT. GOVERNMENT PLEADER for the Respondent(s) No. 10,9

MR YATIN OZA, SR. ADVOCATE with MR MN MARFATIA(6930) for the Respondent(s) No. 1,3,4,5,6,7,8

Appearance in SCA Nos.179 and 180 of 2010

MR KB PUJARA for the Petitioners

MR TIRTHRAJ PANDYA, AGP for the Respondent No.1

MR KAUSHAK PANDYA, ADVOCATE for the Respondent No.2

Appearance in SCA No.3647 of 2010

MS RV ACHARYA, ADVOCATE for the Petitioner Nos.3, 4, 5, 8, 9, 11, 13, 17, 19

MR AJ YAGNIK, ADVOCATE for the Petitioner Nos.1, 2, 6, 7, 10, 12, 14, 15, 16, 18 and 20

MR TIRTHRAJ PANDYA, AGP for the Respondent Nos.1 and 2
MR KAUSHAK PANDYA, ADVOCATE for the Respondent No.3
Appearance in SCA No.9033 of 2017

MS PRITI PANDYA, ADVOCATE for the Petitioner
MR TIRTHRAJ PANDYA, AGP for the Respondent No.1
MR KAUSHAL PANDYA, ADVOCATE for the Respondent No.3

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CORAM: HONOURABLE MR. JUSTICE A.J.DESAI
and
HONOURABLE MRS. JUSTICE MAUNA M. BHATT
Date : 26/09/2022
ORAL ORDER
(PER : HONOURABLE MR. JUSTICE A.J.DESAI)

Having heard learned advocate Mr. Kaushal Pandya appearing for the appellant, learned Senior Advocate Mr. Yatin Oza assisted by learned advocate Mr. M.N. Marfatia appearing for the private respondents and learned AGP Mr. Tirthraj Pandya appearing for the State Authorities and considering several aspects of the matter, we pass the following order.

It is an undisputed fact that while disposing of the writ petition being Special Civil Application No.13924/2009 vide judgment and order dated 09.01.2017, the learned Single Judge relied upon several impugned orders as well as the common judgment and order dated 09.01.2017 passed by the same learned Single Judge in Special Civil Application Nos.179/2010 and 180/2010.

The said judgment and order was challenged by the present appellant by way of filing Letters Patent Appeal Nos.987/2017, 988/2017 and 1447/2017. By common oral judgment dated 12.01.2018, the coordinate Bench of this Court quashed and set aside the judgment and orders passed by the learned Single Judge in Special Civil Application Nos.179/2010, 180/2010 and 3647/2010 and the matter was remanded for passing a fresh reasoned order on merits.

In view of the aforesaid fact, when the judgment relied upon by the learned Single Judge is not in existence, we deem it fit to quash and set aside the oral judgment dated 09.01.2017 impugned in the present appeal and to remand the matter for fresh consideration to the learned Single Judge.

Hence, Letters Patent Appeal No.72 of 2018 is allowed. Impugned oral judgment dated 09.01.2017 passed by the learned Single Judge in Special Civil Application No.13924/2009 is hereby quashed and set aside and the matter is remanded to the learned Single Judge for fresh consideration. In view of disposal of Letters Patent Appeal No.72 of 2018, Civil Application (For Stay) No.1 of 2018 in Letters Patent Appeal No.72 of 2018 also stands disposed of. Let, **Special Civil Application Nos.13924/2009, 179/2010, 180/2010, 3647/2010 and 9033/2017 be fixed for hearing on 14.11.2022** before the learned Single Judge for fresh consideration on merits. All Civil Applications filed in Special Civil Applications to be tagged with the captioned writ petitions. Learned Single Judge is requested to decide the matters on remand as early as possible preferably within a period of eight weeks from today. Interim relief granted earlier, if any, to continue till then.

Letters Patent Appeal No.72 of 2018 is accordingly disposed. It is hereby made clear that this Court has not gone into the merits of the case.

(A.J. DESAI, J.)

(MAUNA M. BHATT, J.)

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