

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1361 of 2014
In R/SPECIAL CIVIL APPLICATION NO. 11127 of 2003
With
R/SPECIAL CIVIL APPLICATION NO. 1714 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 1800 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 646 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 2413 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 1710 of 2019
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2020
In R/SPECIAL CIVIL APPLICATION NO. 1710 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 2371 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 415 of 2018
With
R/SPECIAL CIVIL APPLICATION NO. 1600 of 2019
With
R/SPECIAL CIVIL APPLICATION NO. 1051 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 1051 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 1051 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 1051 of 2018
With
R/SPECIAL CIVIL APPLICATION NO. 1435 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2020
In R/SPECIAL CIVIL APPLICATION NO. 1435 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 1435 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 1883 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 1892 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 3602 of 2021
With
R/SPECIAL CIVIL APPLICATION NO. 4275 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 4275 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4275 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4275 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 4917 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 4917 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4917 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2020
In R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4139 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 4949 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 7924 of 2023
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R/SPECIAL CIVIL APPLICATION NO. 3873 of 2024
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R/SPECIAL CIVIL APPLICATION NO. 5742 of 2021
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R/SPECIAL CIVIL APPLICATION NO. 4376 of 2018

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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 4376 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 9892 of 2023
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In R/SPECIAL CIVIL APPLICATION NO. 5923 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 5923 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 6133 of 2018
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 6133 of 2018
With
R/SPECIAL CIVIL APPLICATION NO. 8326 of 2022
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 8326 of 2022
With
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CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 8033 of 2020
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In R/SPECIAL CIVIL APPLICATION NO. 8989 of 2019
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 8989 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 11066 of 2019
With
R/LETTERS PATENT APPEAL NO. 1362 of 2014
In
R/SPECIAL CIVIL APPLICATION NO. 11128 of 2003
With
R/LETTERS PATENT APPEAL NO. 1363 of 2014
In
R/SPECIAL CIVIL APPLICATION NO. 11129 of 2003
With
R/LETTERS PATENT APPEAL NO. 1364 of 2014
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R/LETTERS PATENT APPEAL NO. 1366 of 2014
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R/SPECIAL CIVIL APPLICATION NO. 11134 of 2003
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R/LETTERS PATENT APPEAL NO. 1368 of 2014

In
R/SPECIAL CIVIL APPLICATION NO. 11135 of 2003
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R/SPECIAL CIVIL APPLICATION NO. 11136 of 2003
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In
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R/LETTERS PATENT APPEAL NO. 1377 of 2014
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**R/SPECIAL CIVIL APPLICATION NO. 15190 of 2014
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R/SPECIAL CIVIL APPLICATION NO. 15290 of 2014
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R/SPECIAL CIVIL APPLICATION NO. 16660 of 2014
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In R/SPECIAL CIVIL APPLICATION NO. 6017 of 2015
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In R/SPECIAL CIVIL APPLICATION NO. 6017 of 2015
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In R/SPECIAL CIVIL APPLICATION NO. 14334 of 2022
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13821 of 2015
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 13821 of 2015
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CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2023
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CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 4 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 5995 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 6014 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 6043 of 2017
With

**CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 6043 of 2017
With
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R/SPECIAL CIVIL APPLICATION NO. 6383 of 2017
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With
CIVIL APPLICATION (FOR ORDERS) NO. 2 of 2021
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
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With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 7532 of 2017
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 7532 of 2017**

With
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With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 7599 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2019
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CIVIL APPLICATION (FOR STAY) NO. 2 of 2020
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CIVIL APPLICATION (FOR MODIFICATION OF ORDER) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 9630 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
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With
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CIVIL APPLICATION (FOR MODIFICATION OF ORDER) NO. 1 of 2019
In R/SPECIAL CIVIL APPLICATION NO. 11191 of 2017
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 11191 of 2017
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In R/SPECIAL CIVIL APPLICATION NO. 11650 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021

In R/SPECIAL CIVIL APPLICATION NO. 11650 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 12568 of 2017
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 12568 of 2017
With
CIVIL APPLICATION (DIRECTION) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 12568 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 2 of 2021
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R/SPECIAL CIVIL APPLICATION NO. 12928 of 2017
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 12928 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 13126 of 2017
With

**CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2020
In R/SPECIAL CIVIL APPLICATION NO. 13126 of 2017
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13126 of 2017
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023
In R/SPECIAL CIVIL APPLICATION NO. 13126 of 2017
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R/SPECIAL CIVIL APPLICATION NO. 20545 of 2016
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2018
In R/SPECIAL CIVIL APPLICATION NO. 20545 of 2016
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With
R/SPECIAL CIVIL APPLICATION NO. 13398 of 2017
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CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13398 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 13414 of 2017
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In R/SPECIAL CIVIL APPLICATION NO. 13414 of 2017
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With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2021
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R/SPECIAL CIVIL APPLICATION NO. 15121 of 2021
With
R/SPECIAL CIVIL APPLICATION NO. 15475 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 15507 of 2017
With
R/SPECIAL CIVIL APPLICATION NO. 15749 of 2017**

With
R/SPECIAL CIVIL APPLICATION NO. 16009 of 2017
With
CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 16009 of 2017
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R/SPECIAL CIVIL APPLICATION NO. 16025 of 2017
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With
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In R/SPECIAL CIVIL APPLICATION NO. 18233 of 2017

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In R/SPECIAL CIVIL APPLICATION NO. 18233 of 2017

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R/SPECIAL CIVIL APPLICATION NO. 14244 of 2018

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In R/SPECIAL CIVIL APPLICATION NO. 14244 of 2018

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In R/SPECIAL CIVIL APPLICATION NO. 14244 of 2018

With
R/SPECIAL CIVIL APPLICATION NO. 15409 of 2021

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In R/SPECIAL CIVIL APPLICATION NO. 15409 of 2021

With
CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 1 of 2022
In R/SPECIAL CIVIL APPLICATION NO. 15409 of 2021

With
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With
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In R/SPECIAL CIVIL APPLICATION NO. 15403 of 2021

With
CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 1 of 2022
In R/SPECIAL CIVIL APPLICATION NO. 15403 of 2021

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R/SPECIAL CIVIL APPLICATION NO. 19872 of 2017

With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 19872 of 2017

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R/SPECIAL CIVIL APPLICATION NO. 20943 of 2022

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In R/SPECIAL CIVIL APPLICATION NO. 20690 of 2017

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In R/SPECIAL CIVIL APPLICATION NO. 20690 of 2017

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With
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In R/SPECIAL CIVIL APPLICATION NO. 21587 of 2017
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R/SPECIAL CIVIL APPLICATION NO. 22902 of 2017
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In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018
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In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018
With
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In R/SPECIAL CIVIL APPLICATION NO. 15653 of 2018
With
R/SPECIAL CIVIL APPLICATION NO. 16579 of 2019

With
R/SPECIAL CIVIL APPLICATION NO. 16000 of 2018
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CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 16000 of 2018
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R/SPECIAL CIVIL APPLICATION NO. 17337 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 367 of 2021
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In R/SPECIAL CIVIL APPLICATION NO. 367 of 2021
With
R/SPECIAL CIVIL APPLICATION NO. 18725 of 2021
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In R/SPECIAL CIVIL APPLICATION NO. 18481 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 18641 of 2019
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R/SPECIAL CIVIL APPLICATION NO. 19577 of 2018
With
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In R/SPECIAL CIVIL APPLICATION NO. 19577 of 2018
With
R/SPECIAL CIVIL APPLICATION NO. 24910 of 2022
With
CIVIL APPLICATION (FOR WITHDRAWAL OF MATTER) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 24910 of 2022
With
CIVIL APPLICATION (FOR WITHDRAWAL OF MATTER) NO. 2 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 24910 of 2022
With
CIVIL APPLICATION (FOR WITHDRAWAL OF MATTER) NO. 3 of 2024

In R/SPECIAL CIVIL APPLICATION NO. 24910 of 2022
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 R/SPECIAL CIVIL APPLICATION NO. 24384 of 2022
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 R/SPECIAL CIVIL APPLICATION NO. 20581 of 2018
 With
 R/SPECIAL CIVIL APPLICATION NO. 20579 of 2018
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 R/SPECIAL CIVIL APPLICATION NO. 20127 of 2023
 With
 R/SPECIAL CIVIL APPLICATION NO. 25737 of 2022
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 R/SPECIAL CIVIL APPLICATION NO. 1064 of 2020
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 In R/SPECIAL CIVIL APPLICATION NO. 1064 of 2020
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 CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2021
 In R/SPECIAL CIVIL APPLICATION NO. 1063 of 2020
 With
 R/SPECIAL CIVIL APPLICATION NO. 26653 of 2022
 With
 R/SPECIAL CIVIL APPLICATION NO. 26675 of 2022
 With
 CIVIL APPLICATION (FOR WITHDRAWAL OF MATTER) NO. 2 of 2023
 In R/SPECIAL CIVIL APPLICATION NO. 26675 of 2022
 With
 R/SPECIAL CIVIL APPLICATION NO. 26672 of 2022

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GUJARAT STATE CIVIL SUPPLIES CORPORATION LTD., THROU.
 MANAGING DIRECTOR

Versus
 RAMESHKUMAR M PATEL & ANR.

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Appearance:

MR SAHIL B TRIVEDI(8476) for the Appellant(s) No. 1
 MR YS RAJPUT(1383) for the Respondent(s) No. 1
 RULE SERVED for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA**
 and
HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 12/06/2024

COMMON ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. While hearing the captioned Letters Patent Appeals and the writ petitions, some of the learned advocates had mentioned that their matters are wrongly tagged and the same may be de-tagged. It is noticed by us that these group of matters pertain to different establishments such as Gujarat State Water Shed Agency, National Urban Rural Mission, Gujarat Aid Society, Ahmedabad Municipal Corporation, Gujarat State Police Housing Corporation, Road & Building Department, Water and Sanitation Management Organization, Gujarat Energy Transmission Corporation (erstwhile Gujarat Electricity Board), Gujarat Livelihood Promotion Company Limited, Gujarat State Civil Supply Corporation, Women and Child Development Department, Gujarat State Tribal Education Society, etc.

2. It appears that all the learned Single Judges have by various orders tagged these matters with Letters Patent Appeal No.1361 of 2014, on the submissions advanced by learned advocates that similar issue of regularization, is pending before Division Bench.

3. At this stage, it would be apposite to refer to the order dated 12.03.2019, wherein when it was noticed that different writ petitions of different years were notified and hence, learned Single Judge has passed an order directing the Registry

to verify the prayers in the writ petitions and the same shall be placed before appropriate Bench, after obtaining the order of the Hon'ble the Acting Chief Justice.

4. It appears that a Note dated 16.01.2020 was filed by learned advocate Mr.Harshil Dholakia, who was appearing in the various writ petitions, which were filed against Gujarat State Water Shed Agency and Gujarat Livelihood Promotion Company Limited. The said Note filed by learned advocate Mr.Dholakia specifically refers that he has made a request to place Special Civil Application No.10346 of 2014 and other allied matters before one Court.

Thereafter, learned advocate Mr.Dholakia, has further filed a Note dated 21.01.2020 requesting to place all the above referred Special Civil Applications with Letters Patent Appeal No.1361 of 2014 in Special Civil Application No.11127 of 2003 and Letters Patent Appeal No.786 of 2018 in Special Civil Application No.4853 of 2015. It is specifically stated in the Note that the first Letters Patent Appeal is filed by Gujarat State Civil Supply Corporation, which is admitted and in the second case, the Letters Patent Appeal filed by Ahmedabad Municipal Corporation is pending. It is further stated in the Note that the issue involved in all these writ petitions is common to one involved in both these Letters Patent Appeals.

5. In view of the aforesaid Note, the Hon'ble the Chief Justice, on the Administrative Side, approved that Special Civil Application No.10346 of 2014 and other allied matters may be tagged with Letters Patent Appeal No.1361 of 2014 and Letters Patent Appeal No.786 of 2018.

6. Letters Patent Appeal No.1361 of 2014 is filed by Gujarat State Civil Supply Corporation, whereas Letters Patent Appeal No.786 of 2018 is filed by the Ahmedabad Municipal Corporation. It is noticed by us that Special Civil Application No.10346 of 2014 and allied matters, which were requested by learned advocate Mr.Dholakia to be tagged along with two Letters Patent Appeals on the ground that the issue is common, the same are filed against Gujarat Livelihood Promotion Company Limited. Thus, it is noticed by us that the writ petitions, which are filed against Gujarat Livelihood Promotion Company Limited, which is a separate entity, is tagged with Letters Patent Appeals filed by Gujarat State Civil Supply Corporation and Ahmedabad Municipal Corporation. As noted hereinabove, the prayers made in the writ petitions, which are tagged along with the Letters Patent Appeals, are pertaining to regularisation in service by the employees, who are appointed by the respective establishments / institutions. It is no more *res integra* that the aspect of regularization depends on various factors such as mode and method of initial appointment, types

of appointment whether contractual, temporary, *ad hoc*, etc., rules and regulations governing the establishments, in which, such employees are appointed, number of years rendered by each of the employees, nature of work, vacancy of sanctioned post at the time of appointment or at the time of regularisation, etc. All these aspects are required to be examined in case of each writ petitioners, who are employed by respective establishments / institutions. All these writ petitions, which are filed against the respective establishments by the respective employees, who are governed by different set of rules and regulations and hence, the same cannot be tagged together and stitched by a common thread of regularisation by ignoring various other factors, which have direct bearing on such issue.

7. In the Letters Patent Appeals which are filed by the statutory bodies i.e. Gujarat State Civil Supply Corporation and Ahmedabad Municipal Corporation, it appears that the employees, who are appointed by these Corporations have succeeded before the learned Single Judges and the same are challenged by the statutory body before Division Bench and all the writ petitions of different establishments are tagged along with these Letters Patent Appeals.

8. Under the circumstances, since the case of each of the writ petitioner is required to be individually examined in light

of the aforementioned factors, the writ petitions cannot be directly decided by the Division Bench.

9. As noticed by us, the matters are tagged with the Letters Patent Appeals only on the premise of submissions of similar issue of regularisation and all these writ petitions of different establishments, are tagged along with the Letters Patent Appeals. Hence, we direct that except the captioned Letters Patent Appeals, all the respective writ petitions are ordered to be de-tagged. Registry shall list all these matters before the Benches assigned such roster.

It goes without saying that we have not examined the matters on merits nor we have opined anything as to whether the employees are in fact eligible or ineligible for regularization.

10. Registry shall list Letters Patent Appeals for hearing on **19.06.2024**.

11. Registry is directed to place the present order in each of the captioned writ petitions.

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

sd/-
(MAUNA M. BHATT,J)

DIPTI PATEL/2...