

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10638 of 2020****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2020****In R/SPECIAL CIVIL APPLICATION NO. 10638 of 2020****With****R/SPECIAL CRIMINAL APPLICATION NO. 287 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 630 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 2097 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 2401 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 3137 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 4544 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 5920 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 14081 of 2020****With****R/SPECIAL CRIMINAL APPLICATION NO. 11740 of 2021****=====**
MAHMADHUSEN @ MAMU JAHANGIRBHAI MAKRANI (BALOCH)**Versus****STATE OF GUJARAT**
=====**Appearance:****MR VIRAT G POPAT(3710) for the Petitioner(s) No. 1****TIRTH N BHATT(8487) for the Petitioner(s) No. 1****GOVERNMENT PLEADER for the Respondent(s) No. 1**
=====**CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE**
ARAVIND KUMAR**and****HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI****Date : 20/04/2022****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND KUMAR)**

- 1.** Mr. B.M.Mangukia, learned counsel appearing for the

petitioner in Special Criminal Application No.11740 of 2021 has insisted that the matter should be taken up out of turn for considering interim order.

2. Special Criminal Application No.11740 of 2021 was ordered to be listed along with Special Civil Application No.10638 of 2020 and allied matters vide order dated 24.12.2021.

3. Perusal of the record and proceedings of Special Civil Application No.10638 of 2020 and connected matters would indicate that matters were taken up by the then Coordinate Bench for final hearing and were heard from time to time. By order dated 6.4.2021 passed in Special Civil Application No.10638 of 2020 and connected matters, the cognate Bench had observed as under:

“This group of matters requires substantial hearing as the appellants cannot get any interim relief in absence of the statutory provisions being held ultra vires the provisions of the Constitution as assailed in the present petitions.”

“The order has been passed in the presence of Shri Mihir Thakore, learned Senior Advocate assisted by Shri Ashish Dagli, Shri Bhadrish Raju, Shri Virat

Popat and Shri Hriday Buch, learned counsels for the petitioners, Shri Kamal Trivedi, learned Advocate General assisted by Shri K.M. Antani, learned AGP for the State and Shri Mitesh Amin, learned Public Prosecutor.

Sd/-
Chief Justice

Sd/-
Judge"

4. Record and proceedings of Special Civil Application No.10638 of 2020 would also indicate that matters were last heard by the then cognate Bench from time to time. In fact, after lengthy hearing, matters were reserved for judgment on 29.7.2021. On account of the then Hon'ble Chief Justice having been elevated to the Hon'ble Apex Court, judgment could not be delivered. Hence, we are of the considered view that matters require final hearing. This Court is in the midst of five part-heard hearing matters and as such, we are not in agreement with the proposition putforth by Mr. B.M.Mangukia, learned counsel appearing for the petitioner in Special Criminal Application No.11740 of 2021 that the matter should be taken up out of turn for considering interim order. Hence, in view of the order dated 6.4.2021 passed in Special Civil Application No.10638 of 2020 and connected matters, we direct the

Registry to list these matters on 20.7.2022 for final hearing.

(ARAVIND KUMAR,CJ)

RADHAKRISHNAN K.V.

(ASHUTOSH J. SHASTRI, J)