

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4272 of 2024**

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ISHWARNATH POPATNATH GOSWAMI

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MS VIDITA D JAYSWAL(6730) for the Petitioner(s) No. 1

for the Respondent(s) No. 10,11,2,3,4,5,6,7,8,9

MS. DHWANI TRIPATHI, for the Respondent(s) No. 1, 3 AND 4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 18/03/2024****ORAL ORDER**

Heard Ms. Vidita Jayswal, the learned advocate appearing for the petitioner.

It is the case of the petitioner that the petitioner's application dated 29.6.2006 seeking mining lease for mining of white clay at a parcel of land bearing Survey No. 1340 situated in Moje Fatehgadh, Taluka: Rapar, District: Kutch admeasuring 04-98-00 Hectares out of total area of 7-89-14 hectares, came to be revoked by communciation dated 4.9.2013 by respondent No.6.

Being aggrieved by the order dated 4.9.2013, the petitioner preferred SCA No. 306/2014 before the Hon'ble High Court and by order 10.1.2014, the petitioner was relegated to respondent No.8. The respondent No.8 by order dated 4.3.2014 revoked the order for grant of mining lease.

Being aggrieved by the said order dated 4.3.2014, revision application before the respondent No.4 was preferred and vide order No. SCA-102014-HC-161-Chh dated order 20.5.2014, the order passed by respondent No.8 was confirmed.

Being aggrieved by the said order, the petitioner preferred revision application being Revision Application No. being RVZ/102017/551/Kutch/ Appeal before the respondent No.3 whereby the order dated 13.7.2007 was confirmed by the order No. SCA/102014/HC/161/CH dated 20.5.2014 passed by the respondent No.4.

Ms. Jayswal, the learned advocate appearing for the petitioner submitted that the area for which the lease is requested does not fall within reserved water-body.

Issue Notice, returnable on 22.4.2024.

Ms. Dhvani Tripathi, the learned AGP waives service of notice for respondent Nos. 1, 3 and 4.

Direct Service for rest of the respondents is permitted.

SAJ GEORGE

(VAIBHAVI D. NANAVATI,J)