

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 1 of 2023****In R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2024****In R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2022****In R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****R/SPECIAL CIVIL APPLICATION NO. 6748 of 2001****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2022****In R/SPECIAL CIVIL APPLICATION NO. 6748 of 2001**=====
ISHWARBHAI CHHAGNBHAI PATEL & ORS.**Versus****COMPETENT AUTHORITY & ORS.**
=====**Appearance:****MR RS SANJANWALA SENIOR ADVOCATE WITH DR VENUGOPAL PATEL****FOR MR DIPAN DESAI(2481) for the Petitioner(s) No. 1,2,3,4,5,6,7,8,9****DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES for**
the Respondent(s) No. 3**MS MANISHA LAVKUMAR SHAH ADDITIONAL ADVOCATE GENERAL for****the Respondent(s) No. 1,2****MR ABHISHEK M MEHTA(3469) for the Respondent(s) No. 3.6****CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 03/12/2024****ORAL ORDER**

1. Learned Senior Advocate Mr. R.S. Sanjanwala with learned Advocate Dr. Venugopal Patel for learned Advocate Mr. Dipen Desai on behalf of the petitioners would submit that since affidavit-in-rejoinder by one Rajeshbhai Gijubhai Patel dated 20.11.2019, copy of which was served upon

respondents at the relevant point of time is not on record. Therefore, one Mr. Kiritbhai @ Kishorbhai s/o Gijubhai Patel, brother of the original deponent, who is stated to have expired during course of the proceedings, has filed an affidavit, more particularly placing a copy of the affidavit filed by Rajeshbhai Gijubhai Patel dated 20.11.2019 on record. The same is directed to be taken on record.

2. Furthermore it appears that since affidavit-in-reply on behalf of respondent no. 1 filed by one Mr. D.V. Mevada, competent authority and Additional Collector, Surat is not on record, registry at the direction of this Court has submitted zerox copy of the said affidavit.

3. The registry shall appropriately place affidavits starting from page no. 428 to page no. 441 and page no. 494 to page no. 660 on record.

4. Learned Additional Advocate General Mrs. Manisha Shah on behalf of respondent- State would submit that further affidavit has been submitted to the registry, and whereas it is submitted that registry is not accepting the same since Rule had already been issued in the present petition.

5. Learned Senior Advocate Mr. Sanjanwala having been supplied with

the copy of the affidavit would strongly object to contents of the affidavit as well as to the fact that the State had deemed it appropriate to constitute a committee when the matter was at large before this Court and whereas according to learned Senior Advocate the same amounts to overreaching the process of this Court. Considering such submissions, the respondents are permitted to circulate the affidavit-in-reply subject to the objections by the petitioner. List the matters on 04.12.2024.

NIRU

(NIKHIL S. KARIEL,J)