

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 941 of 2021

In R/SPECIAL CIVIL APPLICATION NO. 6821 of 2018

With

CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024

In R/LETTERS PATENT APPEAL NO. 941 of 2021

With

R/LETTERS PATENT APPEAL NO. 168 of 2022

In

R/SPECIAL CIVIL APPLICATION NO. 9285 of 2019

With

**CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 168 of 2022**

In

R/SPECIAL CIVIL APPLICATION NO. 9285 of 2019

With

R/LETTERS PATENT APPEAL NO. 180 of 2022

In

R/SPECIAL CIVIL APPLICATION NO. 16525 of 2018

With

**CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 180 of 2022**

In

R/SPECIAL CIVIL APPLICATION NO. 16525 of 2018

With

R/LETTERS PATENT APPEAL NO. 226 of 2022

In

R/SPECIAL CIVIL APPLICATION NO. 131 of 2019

With

**CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 226 of 2022**

In

R/SPECIAL CIVIL APPLICATION NO. 131 of 2019

With

R/LETTERS PATENT APPEAL NO. 324 of 2022

In

R/SPECIAL CIVIL APPLICATION NO. 14049 of 2017

With

**CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 324 of 2022**

In

R/SPECIAL CIVIL APPLICATION NO. 14049 of 2017

With

R/LETTERS PATENT APPEAL NO. 481 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 139 of 2019
With
CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 481 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 139 of 2019
With
R/LETTERS PATENT APPEAL NO. 546 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 1403 of 2019
With
CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 546 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 1403 of 2019
With
R/LETTERS PATENT APPEAL NO. 1151 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 14041 of 2016
With
CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024 In R/LETTERS
PATENT APPEAL NO. 1151 of 2022
In
R/SPECIAL CIVIL APPLICATION NO. 14041 of 2016

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EXECUTIVE ENGINEER & ANR.

Versus

LALJIBHAI NANJIBHAI ZAPADIA & ORS.

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Appearance:

MR HS MUNSHAW(495) for the Appellant(s) No. 1,2

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the

Respondent(s) No. 2

DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES

for the Respondent(s) No. 1

MR NILESH M SHAH(780) for the Respondent(s) No. 1.1,1.2,1.3,1.4,1.5,1.6

RULE SERVED for the Respondent(s) No. 3

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN
and
HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 25/02/2025

COMMON ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

[1] This Court, on 18th February 2025, has passed the order directing the concerned Secretary, Roads and Buildings Department as well as Executive Engineer, Roads and Buildings (Panchayat Division) to remain personally present and to explain as to why the orders have remained unnoticed with no further implementation.

[2] Mr. K. M. Patel, Special Secretary, Roads and Buildings Department and Mr. Bhaumik Barot, Executive Engineer (Incharge), Roads and Buildings Department, are personally present.

[3] Upon instructions, Ms. Foram Trivedi, learned Assistant Government Pleader and Mr. Aditya Jadeja, learned advocate submitted that proposal dated 17th October 2024 was received and immediately on 19th October 2024, partial grant was released followed by further release on various dates and on 15th February 2025, total amount, which has been released by way of grant, is Rs.4,60,00,000/- and out of total demand of Rs.5,64,45,012/-, remaining amount shall be paid within a period of one week from today.

[4] On the other hand, Mr. H. S. Munshaw, learned advocate and Ms. Sejal Mandaviya, learned advocate for the respective respondents of respective applications have urged for some time on the ground of taking necessary instructions;

procedure to be followed for the purpose of disbursing the amount and necessary approval. Ms. Sejal Mandaviya, learned advocate further submitted that before disbursing the amount, procedure has to be followed including taking sanction of the Development Commissioner. Once the sanction is received from the Development Commissioner, necessary steps are required to be taken. Upon instructions from Ms. Rajvi Maulikbhai Goradia, Senior Clerk, Roads and Buildings Department, Surendranagar District Panchayat, who is present in the Court, it is submitted that owing to want of necessary sanction at the end of the office of the Development Commissioner, subsequent steps could not be taken at the earliest and the whole process is likely to take a further period of one month.

[5] Let the affidavit be filed indicating the whole process by 4th March 2025.

[6] List the matter on 4th March 2025.

(SANGEETA K. VISHEN,J)

(NIRAL R. MEHTA,J)

CHANDRESH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: CHANDRESH NATVARBHAI SIDDHAPURA(HC01109), PRIVATE SECRETARY, at High Court of Gujarat on 28/02/2025 14:28:25