

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 : 28/04/2025

COMMON ORAL ORDER

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

1. Apropos the order passed by this Court dated 22nd April 2025, Mr. G. H. Virk, learned Government Pleader, has tendered communication dated 25th April 2025 issued by the Panchayat, Rural Housing & Rural Development Department, Gandhinagar to

the District Development Officer, Surendranagar, allowing release of the amount to the respective nine applicants, as indicated in the tabulated form.

2. Concern is raised by the learned advocate appearing for the applicants that time limit, within which the amount was to be deposited, got over way back in the month of November 2021. It is submitted that therefore, before the amount is to be deposited with the Registry, there has to be an extension of the time limit, as indicated in the order dated 20th October 2021.

3. Mr. H. S. Munshaw, learned advocate appearing for one of the respondents submitted that steps were taken and reply is filed. Attention is invited to the order dated 17th October 2024 addressed by the District Development Officer, Surendranagar to the Secretary, Road & Building Division, Gandhinagar. Attention is also invited to the communication dated 1st March 2024 addressed by the District Development Officer, Surendranagar to the Development Commissioner, Gandhinagar opining that the amount of Rs.3,86,982/- is required to be deposited and if the judgment is to be accepted, then the grant may be released.

4. Heard learned advocates appearing for the respective parties.

5. Clearly, when there was an order passed by the Division Bench requiring the respondent i.e. the District Panchayat to

deposit the amount within a period of four weeks, the District Panchayat appears to have exhibited lackadaisical approach and not taken effective steps so as to see that the amount is deposited. It was not that the amount was directed to be disbursed. The direction, only requires the District Panchayat to deposit the amount and therefore, there could not have been any obstacle or hurdle in depositing the said amount. The record further reveals that the District Panchayat has preferred the proceedings and when there was no stay granted, it was expected that the District Panchayat should have taken steps promptly and see to it that the amount is deposited. However, again, the District Panchayat has not taken any steps.

6. Special Leave Petitions came to be dismissed vide order dated 22nd January 2024. After passage of one year, the District Panchayat has not even taken care to see that any application seeking extension of time is filed, it is as late as in the month of January 2025, may be March 2025, these applications are filed for extension of time for the time limit which was already expired in the month of November 2021. It is a very sorry state of affairs. Now, the District Panchayat has expressed incapacity in listing of the Civil Applications. It is not for the Court to see that the applications are listed. It was for the District Panchayat or the lawyer to have taken steps for the purpose of listing of the applications and sought for the extension. Unfortunately, steps, were to be taken at the earliest, but not taken. Even when the steps

are taken, but with no further development in the matter. The predicament of the employees perhaps has not been experienced by the District Panchayat.

7. With a view to granting one more opportunity, list the matters on 1st May 2025.

8. Let the District Development Officer, Surendranagar, so also the Development Commissioner, Gandhinagar remain personally present before this Court on 1st May 2025 so as to explain the delay on their part in filing the applications seeking extension of time.

9. Copy of this order shall be provided to Mr. H. S. Munshaw, learned advocate for onward communication.

(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 01/05/2025 11:03:11