

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2324 of 2025****In****F/LETTERS PATENT APPEAL NO. 4358 of 2025**

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BHUJ MUNICIPALITY**Versus****DARSHAK NATVARLAL ANTANI & ORS.**

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Appearance:**MR BY MANKAD(440) for the Applicant(s) No. 1****BHAVIN B THAKAR(9371) for the Respondent(s) No. 1,2****MS NIRALI SARDA, AGP for the Respondent(s) No. 3,4,5,6**

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**and****HONOURABLE MS. JUSTICE GITA GOPI****Date : 28/04/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. At the outset, learned advocate for the applicant, Mr.B.Y. Mankad has submitted that the applicant - Nagar Palika has been compelled to file the Letters Patent Appeal in view of the specific directions issued by the Additional Collector of Regional Commissioner's Office, Rajkot Zone, as they were facing contempt proceedings. It is submitted that the applicant - Nagar Palika had already passed a resolution, in order to comply with the directions issued by the learned Single Judge, and accordingly, the Regional Commissioner was also informed about the resolution passed by the Nagar Palika. It is further submitted that the applicant and the respondent - State authorities are facing the contempt proceedings, which are filed by the original petitioners seeking compliance of the directions issued by this Court.

2. Learned advocate Mr. Bhavin B. Thakar for the respondents No.1 and 2 has submitted that the writ petitioners have filed the contempt application being Miscellaneous Civil Application No.38 of 2025, in which this Court has already directed the respondent(s) to comply with the directions issued by the learned Single Judge.
3. Learned advocate Mr.B.Y.Mankad further submitted that thus in fact the applicant - Nagar Palika's action cannot be said to be contemptuous and they are compelled to file an appeal only when the State authority has directed them to do so.
4. It is noticed by us that in the order dated 28.08.2024 passed in the captioned writ petition, the State Government has not contested the writ petition and on the contrary, a statement was made on behalf of the State authority by the learned AGP that the proposal that may be extended by the respondent - Nagar Palika would be considered by the respondent authorities with respect to the sanctioning of the posts, in accordance with law. Thus, there is absolutely no contest by the State authority i.e. the Collector and when the Nagar Palika has made its effort to comply with the directions issued by this Court, the Additional Collector has directed the Nagar Palika to file an LPA with a delay of 132 days.

5. In an analogous issue, vide order dated 24.03.2025 passed in Civil Application No.1684 of 2025, we had deprecated the said action of the State Government in compelling the local bodies or local authorities to file an LPA challenging the order passed by the learned Single Judge belatedly, that too at a stage when the Nagar Palika or the local authorities have made endeavor to implement the same. We had also recorded that the State Government does not contest these proceedings and only it is at the stage of compliance after filing of the contempt proceedings, the local authorities are directed to file a Letters Patent Appeal.
6. Thus, this is a fit case where exemplary personal cost is required to be imposed upon the Additional Collector.
7. At this stage, learned AGP requests for some time. On her request, the matter is kept on **APRIL 30, 2025**. To be listed on Top.

Sd/- .
(A. S. SUPEHIA, J)

Sd/- .
(GITA GOPI, J)

CAROLINE / DB # 6

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 28/04/2025 15:33:21