

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.7802 of 2026

With

R/SPECIAL CIVIL APPLICATION NO.7803 of 2026

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JAYESHBHAI NATWARBHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance :

MR MASOOM K SHAH for the Petitioner.

NEHA M SHAH for the Petitioner.

MS MANISHA LAVKUMAR, ADDL. ADVOCATE GENERAL ASSISTED BY MR.

CHINTAN DAVE, AGP for the Respondent Nos.1,2

MR BAIJU JOSHI for the Respondent No.5.

MR BHARAT T RAO for the Respondent No.3.

MR. HARSHIL K. PATEL for the Respondent No.4.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 23/06/2026

ORAL ORDER

1. At the outset, learned advocate Mr. Masoom K. Shah states that the challenge in this petition is confined only to the challenge to the Government Notification dated 21.7.2011 and, under instructions, he states that rest of the prayers are not pressed in this petition with a view to approach the learned Cooperative Tribunal which is now functional. Mr. Shah further states that necessary directions be issued to the Cooperative Tribunal that in case if the appropriate proceedings are filed before the Tribunal within a period of two weeks from today, in that case, the Tribunal may make all endeavour to hear and decide the said application, as early as possible, preferably by 31.10.2026. Mr. Shah further states that the Tribunal may also be directed to decide the application for interim relief as early as possible, without granting any unnecessary adjournments to any of the

parties.

2. Though the aforesaid submission was strongly opposed by Ms. Manisha Lavkumar, learned Additional Advocate General assisted by learned AGP Mr. Chintan Dave, learned advocates Mr. B. T. Rao, Baiju Joshi and Harshil K. Patel, however considering the fact that the petitioner wants to approach the learned Cooperative Tribunal, the permission to withdraw the petition as far as the prayer related to challenge to the order dated 27.5.2026 passed by the Inquiry Officer may be permitted and the petition will survive only qua the challenge to the Government Notification dated 21.7.2011.

3. Accordingly, permission to withdraw these petition as far as the challenge related to the order dated 27.5.2026 passed by the Inquiry Officer is permitted and the petitions will survive only qua challenge against Government Notification dated 21.7.2011. In that case, if the appropriate proceedings are initiated before the Cooperative Tribunal within a period of two weeks from today, the Cooperative Tribunal is directed to make all endeavour to decide the said application, as expeditiously as possible, preferably before 31.10.2026 and if any application for stay / interim relief is also preferred, in that case the said application may be decided as early as possible after giving full opportunity to all the parties for filing reply and place on record their version. However, the Cooperative Tribunal may see to it that unnecessary adjournments may not be granted, but at the same time, in case of genuine difficulty or when the need for seeking adjournment arises, the same may not be refused merely because of the order passed by this Court.

4. With the above direction, without examining the merits of the case about the validity of the order dated 27.5.2026 passed by the Inquiry Officer under Section 93 of the Act, the petitions qua the prayer with regard to challenge to the order dated 27.5.2026 passed by the Inquiry Officer is not entertained and the present petitions will survive only with regard to challenge to Government Notification dated 21.7.2011. **Let the petitions be listed for that purpose on 13.8.2026.**

It is clarified that the petitioners' act of not pressing the prayer in respect of order dated 27.5.2026 shall not come in the way of the petitioner in getting his appropriate proceedings decided on merits, as this Court has not examined the merits qua that order and all the rights and contentions of all the parties are kept open.

(NIRZAR S. DESAI,J)

SAVARIYA