

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 4043 of 2014**

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GAURIBEN AMBALAL PRAJAPATI....Petitioner(s)

Versus

STATE OF GUJARAT & 3....Respondent(s)

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Appearance:

MR BM MANGUKIYA, ADVOCATE for the Petitioner(s) No. 1

MS BELA A PRAJAPATI, ADVOCATE for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1

MR DHARMESH V SHAH, ADVOCATE for the Respondent(s) No. 4

MR SATYAM Y CHHAYA, ADVOCATE for the Respondent(s) No. 2 - 3

MR. C. K. PATEL, ADVOCATE for the Respondent(s) No. 4

NOTICE SERVED BY DS for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE K.M.THAKER**

Date : 16/01/2015

ORAL ORDER

In present petition, the order dated 13.1.2015 passed by Hon'ble the Acting Chief Justice reads thus:-

"Place before the Honourable K.M.Thaker, J."

2. This matter is listed before this Court in view of the order dated 13.1.2015 passed by the Hon'ble the Acting Chief Justice.

On 15.1.2015, this Court passed following order in the matter:-

"According to office note dated 13.1.2015, this petition is listed before this Court in view of the

order dated 13.1.2015 by the Hon'ble the Acting Chief Justice.

The reasons and circumstances on which the matter is listed before this Court are mentioned in the note dated 13.1.2015 which reads thus:-

"In this connection, it is respectfully submitted that, the aforesaid matters pertains to SCA Group II- Gujarat Town Planning and Urban Development Act and as per the present order commencing from 05/01/2015 and modified w.e.f. 05/01/2015 and 12/01/2015 the aforesaid matters are required to be placed before the Honourable Court (Coram: the Honourable the Mr. Justice R.M. Chhaya).

In this connection, it is further respectfully submitted that, after obtaining orders from Your Lordship dated 08/01/2015 the aforesaid matter were placed before the Honourable Court (Coram: the Honourable Mr. Justice C.L. Soni) on 13/01/2015. But Honourable Court (Coram: the Honourable Mr. Justice C.L. Soni) is not available from 12/01/2015, 13/01/2015, 15/01/2015 and 16/01/2015 and the mentioning of the matters of the Honourable Court (Coram: the Honourable the Mr. Justice C.L. Soni) has been assigned before Honourable Court (Coram: the Honourable the Mr. Justice R.M. Chhaya). However the aforesaid matters are Not Before Honourable Mr. Justice R.M. Chhaya and in the aforesaid matters Interim relief is required to be extended and hence the said matters are therefore placed before Your Lordship for passing necessary orders."

Today, when the matter is called out and taken up for hearing, learned advocates for the contesting parties are not present.

Hence, S.O. to 16.1.2015."

In pursuance of the said order, the matter is listed today.

3. Today, learned advocate for the petitioner submitted that, inadvertently, the order of ad-interim relief is not extended on previous date i.e. 13.1.2015. On perusal of the record, it is noticed that the matter was listed for hearing on 18.12.2014 and came to be adjourned to 9.1.2015. Thereafter, any order is not available on record.

Mr. Mangukia, learned advocate for the petitioner, submitted that appropriate request was made before the Hon'ble Court, however, it seems that any order is not passed.

4. Mr. Chhaya, learned advocate for the respondent, fairly clarified that having regard to the fact that the Court has earlier granted order of status-quo, the respondent will not take any fresh / further action, until the matter is heard by the Court where the subject of present petition is assigned as per present roster and till then, the respondent would abide by the earlier order.

5. In this view of the matter and having regard to the fact that on record there is no order after 9.1.2015, this Court does not pass separate order though request for extension of earlier order is made by Mr. Mangukia, learned advocate for the petitioner, however, the submission made

by Mr. Chhaya, learned advocate for the respondent, is taken note of.

6. The petition may be listed before the Hon'ble Court where the subject matter of present petition is assigned as per present roster.

(K.M.THAKER, J.)

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