

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 1513 of 2015**

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PATEL AMRUTBHAI GANGARAM....Petitioner(s)

Versus

STATE OF GUJARAT & 2....Respondent(s)

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Appearance:

MR MAYUR RAJGURU, ADVOCATE for the Petitioner(s) No. 1

MR TIRTHRAJ PANDYA ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 1 - 3

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CORAM: HONOURABLE MS.JUSTICE HARSHA DEVANI**Date : 28/04/2015****ORAL ORDER**

1. Pursuant to the order dated 20.3.2015, Mr. Tirthraj Pandya, learned Assistant Government Pleader has produced the original record of the case from which it appears that the petitioner had filed a reference application at the relevant time. Though the papers do not appear to be complete, however, the record does show a zerox copy of the petitioner's application under section 18 of the Act to be on the record. However, it appears that at the relevant time, the reference application which was made by the petitioner along with the other claimants was not forwarded to the Reference Court. Under the circumstances, it appears that it is on account of some default on the part of the concerned officer that though the reference application was filed by the petitioner, the same

was not forwarded to the Reference Court. Under the circumstances, since it is the action of the concerned officer of the Government that would be required to be called in question, this court in exercise of powers under Article 227 of the Constitution of India may not be in a position to grant substantive relief.

2. Mr. Mayur Rajguru, learned advocate for the petitioner, therefore, states that he would do the needful to take steps to file a petition under Article 226 of the Constitution.

3. Stand over to 22nd June, 2015.

(HARSHA DEVANI, J.)

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