

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11490 of 2024**

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MAHESHBHAI RUDARJI DESAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR JAY N SHAH(10668) for the Petitioner(s) No. 1

for the Respondent(s) No. 10,11,12,2,3,4,5,6,7,8,9

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the

Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 06/08/2024****ORAL ORDER**

1. Ms.Kruti Shah, learned Advocate assisted by Ms.Himani Shah, learned Advocate for Mr.Jay Shah, learned Advocate appearing for the petitioner submitted that the proceedings were initiated under the provisions of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 and as a result even the report has been filed by the Mamlatdar indicating that the possession has been restored; however, that is only on paper and in reality there are no such steps taken. Only with a view to nullify the said directions, the private respondents have entered into one franchise agreement. Even collusive suit, was filed and the owner did not remain present and *ex-parte* status quo was granted. The petitioner was constrained to file an application seeking impleadment. Immediately thereafter, the suit came to be withdrawn unconditionally.

2. Considered the submissions. Issue notice to the respondents returnable on 04.09.2024. Mr. Dhawan Jaiswal, learned Assistant Government Pleader waives service of notice on behalf of respondent no. 1. Over and above the normal mode of service of notice, service through registered post A.D. is permitted.

SINDHU NAIR

(SANGEETA K. VISHEN,J)