

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 108 of 2015**

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CHAUDHARY DILIPBHAI MANSUKHBHAI

Versus

STATE OF GUJARAT & 24 others

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Appearance:

MR PRADEEP PATEL(642) for the Applicant

GOVERNMENT PLEADER(1) for the Opponent Nos. 1, 2, 3

HL PATEL ADVOCATES(2034) for the Opponent Nos. 16, 17, 18,
19, 20, 21, 22, 23

MR KETAN D SHAH(1356) for the Opponent Nos. 10, 11, 12, 13,
14, 15, 7, 9

MR MANISH J PATEL(2131) for the Opponent No. 3

MS SRUSHTI A THULA(5014) for the Opponent No. 8

NOTICE UNSERVED(8) for the Opponent No. 6

SERVED BY RPAD (N)(6) for the Opponent Nos. 24, 25, 4, 5

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CORAM: HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

and

HONOURABLE MR.JUSTICE V.P. PATEL

Date : 23/09/2019

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT)

Learned counsel appearing for the private respondents have invited Court's attention to page 106 where the representation of the petitioner dated 09/12th March, 2015 was considered, and the Collector's order at page 378 dated 17.07.2015 finding it not to be entertained on account of the fact that the subject land were converted into old tenure and thereafter the consolidated orders were already passed. These facts have to be examined in appropriate manner and therefore the Public Interest Litigation not being an available remedy for examining these issues under Article 226, as it

involves the examining of the order under which the new tenure lands were converted, and also the order of consolidation, and therefore when the Collector has rightly opined on the representation vide its order dated 17.07.2015, this Court may not now further permit the petitioner to enlarge the scope for no reason.

At this stage, learned counsel appearing for the petitioner submitted that he has instruction to submit that respondent nos.10 to 15 are still residing with their families in Vanzaravas and he needs some time to file affidavit to bring things on record.

At his request, matter is kept on **03.10.2019**.

At this stage, Shri Shah and Shri Patel appearing for the private respondents submitted that the petitioner's bonafide are in serious doubt, as the petitioner himself is not above the board on account of his own activities which have been placed on record by way of affidavit at page 234-239 and he himself has an encroacher, page 135 and 147 is the evidence to that effect.

The Court is of the view that when time is sought and matter is simply adjourned, it would be open to all the counsels to make submissions on all issues in the matter.

(S.R.BRAHMBHATT, J.)

(V. P. PATEL,J.)

Pankaj