

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 13196 of 2021
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13196 of 2021
With
R/SPECIAL CIVIL APPLICATION NO. 13278 of 2021
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13278 of 2021
With
CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 2 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 13278 of 2021
With
R/SPECIAL CIVIL APPLICATION NO. 14476 of 2021

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**MAHENDRA KUMAR SINGHAL AUTHORIZED REPRESENTATIVE THE
EVOLUTION SERVICE SOCIETY & 3 other(s)**

Versus

**JOINT DIRECTOR GENERAL, OFFICE OF DIRECTOR GENERAL OF CIVIL
AVIATION**

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Appearance:

UTSAV P PARIKH(8223) for the Petitioner(s) No. 1,2,3,4
VIVAN T SHAH(7947) for the Petitioner(s) No. 1,2,3,4
MR DEVANG VYAS(2794) for the Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 04/10/2021

ORAL ORDER

1. By this application, the applicants have, *inter alia*, prayed for stay of the operation, implementation and execution of the notice dated 24.09.2021 and to restrain the opponent No.2 from proceeding further in any manner in relation to the notices/e-mails dated 24.09.2021.

2. Mr.Mihir Joshi, learned senior counsel appearing with Mr.Kunan Naik, learned advocate submitted that the applicants have received an e-mail dated 24.09.2021 from the Office of the opponent No.2 through the Deputy Director (Operations) Director General of Civil Aviation requiring the applicants that the hearing of the appeal

would take place on 04.10.2021 and 05.10.2021. It is submitted that to the best of the knowledge of the applicants, no appeal has been filed either by any resident or by any developer; however, the authority concerned, appears to have suo motu initiated hearing of the appeal. It is submitted that if the appeal is heard, the grievance raised in the present writ petitions would be rendered infructuous.

3. Mr.Mihir Thakor, learned senior counsel appearing with Mr.Dipan Desai, learned advocate submitted that the e-mail, which has been received for the purpose of hearing, it is clear that there is no reference as to who has filed the appeal and whether it has been registered or not.

4. During the course of hearing, it was informed by the learned advocate appearing for the petitioners that the civil applications for joining party and recall of the order dated 17.08.2021 passed in Writ Petition (PIL) No.63 of 2019, which was also mentioned before the Hon'ble Acting Chief Justice; however, the applicants are awaiting listing of the matter before the appropriate Bench.

5. Pertinently, the application was listed for hearing on 01.10.2021 and this Court, has requested Mr.Kshitij Amin, learned Central Government Standing Counsel to take instructions that the notices/e-mails dated 24.09.2021, have been issued pursuant to the appeals filed by which party. The notices, make a reference of a request for appeal hearing, scheduled through video conferencing under the provisions of Rule 6A of the Aircraft (Demolition of obstructions caused by Buildings and Trees etc.) Rules, 1994. The captioned matters, were kept today i.e. on 04.10.2021; however, today also it is not clear as to any appeal has been filed by any developers and/or any stakeholders. Mr.Kshitij Amin, learned Central Government Standing Counsel, requests for time so as to enable him to take specific instructions as regards the appeal, if any, filed

by the developers and/or stakeholder of which, hearing is fixed on 04.10.2021 and 05.10.2021. At the request of learned Central Government Standing Counsel, let the matters appear on 08.10.2021.

6. Let affidavit, if any, be filed placing on record the status of appeal filed by the developers and/or stakeholders. Till the reply is filed by the competent authority, let the hearing, which has schedule to take place on 04.10.2021 and 05.10.2021, be adjourned to any date beyond 08.10.2021, but not later than 14.10.2021.

RAVI P. PATEL

(SANGEETA K. VISHEN, J)