

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 22061 of 2017**

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SHAIKH MUMTAZBANU MOHD. IBRAHIM & 5....Petitioner(s)

Versus

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

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Appearance:

MR ALI SHER ANSARI, ADVOCATE for the Petitioner(s) No. 1-6

MR VO JOSHI, ADVOCATE for the Petitioner(s) No. 1-6

MR SWAPNESHWAR GOUTAM, AGP for the RESPONDENT(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE R.M.CHHAYA**

Date : 19/02/2018

ORAL ORDER

1. It is pointed out that the issue involved in this petition is similar to Special Civil Application nos. 179 and 180 of 2010. It is a matter of record that the aforesaid petitions were allowed by this Court (Coram: Mr. J.B. Pardiwala, J.) by judgment and order dated 9.1.2017. The said judgment and order was subject matter of Letters Patent Appeal no.987 of 2017, wherein the Division Bench of this Court (Coram: Mr. M.R. Shah, J. and Mr. Biren Vaishnav, J.), while allowing the said Letters Patent Appeal, has observed thus:-

“[5.0] In view of the above more particularly the stand taken by the learned Advocates appearing on behalf

of the original petitioners recorded hereinabove, the impugned judgment and orders passed by the learned Single Judge in Special Civil Application Nos.179/2010, 180/2010 and 3647/2010 are hereby quashed and set aside and the matters are remanded to the learned Single Judge to decide the petitions afresh in accordance with law and on merits and for passing the reasoned order after considering the submissions and/or the case on behalf of the respective parties. All the contentions / defences which may be available to the respective parties are kept open to be considered by the learned Single Judge in accordance with law and on its own merits. All these Letters Patent Appeals are, accordingly, allowed to the aforesaid extent. No costs."

2. Hence, **RULE**. To be heard along with Special Civil Application nos. 179 of 2010 and allied matters. Mr. Swapneshwar Goutam, learned AGP waives service of Rule on behalf of respondent no.1. Direct service is permitted to rest.

(R.M.CHHAYA, J.)

mrp