

ITEM NO.7

COURT NO.11

SECTION IX

S U P R E M E

C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16678/2011
(From the judgement and order dated 03/05/2011 in LPA No. 1127/2008
& SCA No. 7648/2008 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

GOHIL JESANGBHAI RAYSANGBHAI & ORS.

Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR Respondent(s)
(With prayer for directions and with interim relief and office report)
(FOR FINAL DISPOSAL)

WITH SLP(C) NO. 17717 of 2011
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 18819 of 2011
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 20864 of 2011
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 20958 of 2011
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP (C) No. 21619/2011
[with appln. for permission to place on record subsequent facts and
with prayer for interim relief and office report]
(FOR FINAL DISPOSAL)

SLP(C) NO. 25463 of 2011
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 29615 of 2011
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 29616 of 2011
(With appln. for substitution for bringing on record Lrs. of
deceased petitioner and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 32111 of 2011

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(With appln. for directions and exem. from filing c/c of the
impugned order and permission to bring addl. facts and documents on
record and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 32926 of 2011
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 26905 of 2011
(With office report)
(For final disposal)

Date: 24/04/2012

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S.THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. M. R. Anand, Sr. Adv.
16678/11 Mr. Pradip M Bhatt, Adv.
 Ms. Meenakshi Arora, Adv.

17717, 18819, 32926 Mr. K.K. Trivedi, Adv.
26905 Mr. P. Adhyaru, Adv.
 Mr. Rameshwar Prasad Goyal

21619, 25463, 32111, Mr. Huzefa Ahmadi, Adv.
 Ms. Charu Mathur, Adv.

29615, 29616/11 Mr. Huzefa Ahmadi, Adv.
 Mr. Brajesh Kumar, Adv.

for applicants Mr. Shamik Sanjanwala, Adv.
in SLP 16678/11 Mr. Kailash Pandey, Adv.
IA Nos. 4 & 5/12 Mr. Ranjeet Singh, Adv.
 Mr. KV Sree Kumar, Adv.

20958/11 Mr. Purvish Jitendra Malkan, Adv.

20864/11 Mr. D.N.Ray, Adv.
 Mr. Lokesh K.Choudhary, Adv.
 Ms. Sumita Ray, Adv.

For Respondent(s) Mr. Preetesh Kapur, adv.
 Ms. H.Wahi, Adv.
 Ms. Jesal, Adv.

 Mr. A.P.Medh, Adv.

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UPON hearing counsel the Court made the following
O R D E R

SLP (C) Nos. 21619/2011, 25463/2011, 32111/2011, 29615/2011,
29616/2011

Leave granted.

Pleadings are complete.

Post for hearing after summer vacation.

Mr. Ahmadi, learned counsel appearing for the appellants
draws our attention to our order dated 30.01.2012 by which we had
directed the State Government to consider the appellants application
(s) for conversion from new tenure to old tenure on payment of the
requisite premium to be determined by the competent authority in
accordance with the judgment of the High Court. We had made it
clear that the deposit made by the appellants pursuant to any such

determination shall be subject to the ultimate outcome of the appeals.

Mr. Ahmadi, learned counsel appearing for the appellants submits that although an application was made to the Collector concerned, no orders have been made on the same so far.

Learned counsel appearing for the State submits that appropriate orders should have been passed if an application was received from the appellant after the passing of the above order of this Court.

Since there is some doubt about whether any application like the one mentioned by Mr. Ahmadi has been received by the Collector, we direct that the appellants shall be free to make a fresh application in accordance with law within two weeks from today, in terms of our orders dated 30.01.2012. In case any such application is filed, the competent authority shall pass appropriate orders on the same within eight weeks thereafter under intimation to the appellants.

SLP (C) Nos. 20864/2011

Leave granted.

Pleadings are complete.

Post for hearing after summer vacation.

Mr. D. N. Ray, learned counsel appearing for the appellants draws our attention to our order dated 30.01.2012 by which we had directed the State Government to consider the appellants application (s) for conversion from new tenure to old tenure on payment of the requisite premium to be determined by the competent authority in accordance with the judgment of the High Court. We had made it clear that the deposit made by the appellants pursuant to any such determination shall be subject to the ultimate outcome of the appeals.

Mr. D. N. Ray, learned counsel appearing for the appellants submits that although an application was made to the Collector

concerned, no orders have been made on the same so far.

Learned counsel appearing for the State submits that

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appropriate orders should have been passed if an application was received from the appellant after the passing of the above order of this Court.

Since there is some doubt about whether any application like the one mentioned by Mr. D. N. Ray has been received by the Collector, we direct that the appellants shall be free to make a fresh application in accordance with law within two weeks from today, in terms of our orders dated 30.01.2012. In case any such application is filed, the competent authority shall pass appropriate orders on the same within eight weeks thereafter under intimation to the appellants.

SLP (C) Nos. 20958/2011

Leave granted.

Pleadings are complete.

Post for hearing after summer vacation.

Mr. Purvish Jitendra Malkan, learned counsel appearing for the appellants draws our attention to our order dated 30.01.2012 by which we had directed the State Government to consider the appellants application (s) for conversion from new tenure to old tenure on payment of the requisite premium to be determined by the competent authority in accordance with the judgment of the High Court. We had made it clear that the deposit made by the appellants pursuant to any such determination shall be subject to the ultimate outcome of the appeals.

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Mr. Purvish Jitendra Malkan, learned counsel appearing for the appellants submits that although an application was made to the Collector concerned, no orders have been made on the same so far.

Learned counsel appearing for the State submits that appropriate orders should have been passed if an application was

received from the appellant after the passing of the above order of this Court.

Since there is some doubt about whether any application like the one mentioned by Mr. Purvish Jitendra Malkan has been received by the Collector, we direct that the appellants shall be free to make a fresh application in accordance with law within two weeks from today, in terms of our orders dated 30.01.2012.

In case any such application is filed, the competent authority shall pass appropriate orders on the same within eight weeks thereafter under intimation to the appellants.

SLP (C) Nos. 16678/2011, 17717/2011, 18819/2011, 32926/2011,
26905/2011

Leave granted.

Pleadings are complete. Post for hearing after summer vacation.

(N.K. Goel)
Court Master

(Veena Khera)
Court Master