(2010) 08 GUJ CK 0123

In the Gujarat High Court

Case No : Special Civil Application No. 8985 of 2010

Abhesang Sabalsang Rathod APPELLANT

Vs

State of Gujarat and Others RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2010) 08 GUJ CK 0123

Hon'ble Judges : Mukesh R. Shah, J

Bench : Single Bench

Advocate : Satyen B. Rawal, for the Appellant; Pranav Dave, Asstt. Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

M.R. Shah, J.—By way of this petition under Article 226 of the Constitution of India, petitioner herein has prayed for appropriate writ, direction or order directing the respondent - Taluka Development Officer/Panshina Gram Panchayat to decide the remand case in furtherance of the order dated 04.02.1983 passed in Appeal Case No. 1/1983. It is also prayed to quash and set aside the bill dated 17.04.2010 issued by Talati cum Mantri of Panshina Gram Panchayat.

2. At the outset it is required to be noted that by this petition preferred in the year 2010, petitioner has prayed for appropriate writ, direction or order directing appropriate authority to decide the remand case in furtherance of the order dated 04.02.1983 passed in Appeal No. 1/1983 i.e. after a period of almost 27 years. Nothing is on record that thereafter petitioner and/or his predecessor in title have done anything and/or approached the appropriate authority. It is also required to be noted that as such since inception, neither the petitioner nor his predecessor in title, have paid any tax/assessment/cess. It is also required to be noted that petitioner and his predecessor in title have been/are enjoying the property without making any payment of assessment/tax/cess. It is also required to be noted that thereafter, there is a fresh assessment as per the government

circular/resolution dated 05.07.2003 of the Revenue Department. It is not in dispute that even in the year 2005, petitioner was served with the recovery notice and was directed to pay the non-agricultural assessment which the petitioner has not challenged. Even the recovery notice dated 01.02.2005 is not placed on record. The impugned notice dated 17.04.2010 is the final consequential notice by which the petitioner is called upon to pay the land revenue local taxes, education cess etc. which is never paid by the petitioner and/or his predecessor in title.

3. In view of the above, there is no substance in the present petition which deserves to be dismissed and is, accordingly, dismissed.