

(2019) 08 GUJ CK 0054

In the Gujarat High Court

Case No : R/Special Civil Application No. 14033 Of 2019

Iqbal Sultanabegam Kazi

APPELLANT

Vs

Valibegam Mahmadi Sheikh

RESPONDENT

Date of Decision : 20-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 14, 227, 300A

Citation : (2019) 08 GUJ CK 0054

Hon'ble Judges : A.J. Desai, J

Bench : Single Bench

Advocate : Amit R. Joshi, R.H. Pathan

Final Decision : Disposed Of

Judgement

A.J. Desai, J

1. By way of the present petition under Articles 14, 300-A and 227 of the Constitution of India, the petitioner has prayed as under:

"9(A) Be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction for quashing and setting aside the order dated 28.02.2019 passed by the respondent no. 14 in MVV/HKP/Surat Revision application No. 163 of 2018 at Annexure-A and the order dated 20.08.2018 at Annexure-B passed by respondent no. 13 to the petition, in the interest of justice;

(B) Pending admission and final disposal of this petition, be pleased to stay the further proceedings of RTS/Suomotu/Revision/Case No. 14 of 2017, in the interest of justice; And/or

(C) Pending admission and final disposal of this petition, Your Lordships will be pleased to allow the present petitioner to proceed with RTS/Suomotu/Revision/Case No. 14 of 2017 before the respondent no. 13, in the interest of justice;"

2. Having heard Mr. Amit Joshi, learned advocate appearing for the petitioner and

considering the orders passed by the revenue authority as well as Civil Court and considering the fact that the petitioner has filed Regular Civil Suit No. 544 of 2011 claiming his right over the property in question as well as observations made by the revenue authority that whatever entry, which has been mutated in the revenue record with regard to the property in question, would be subject to final outcome of Regular Civil Suit No. 544 of 2011 and will be binding to all concerned, I do not find any reason to interfere with the impugned order.

3. It is needless to say that the Civil Court shall independently decide the right over the property in question, in accordance with law and the said decision will be binding to all concerned. If the petitioner is apprehending further transfer of the land in whose favour the decree has been passed in another suit i.e. Regular Civil Suit No. 612 of 2007, the petitioner may file appropriate application before competent civil court. It is hereby made clear that on this ground, this petition is not entertained. It is hereby made clear that this Court has not examined the rights of the petitioner.

4. With the above observations, the present petition is disposed of. Direct service is permitted.