

(2010) 10 GUJ CK 0180
In the Gujarat High Court

Case No : Special Civil Application No. 6585 of 1992

Naranbhai L. Patel and Another

APPELLANT

Vs

Kacharabhai Somabhai (Decd) thr" heirs and Others

RESPONDENT

Date of Decision : 26-10-2010

Acts Referred:

Citation : (2010) 10 GUJ CK 0180

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : M.R. Vyas, for the Appellant; Vijay N. Raval, for Respondent 1 and Rashesh Rindani, Asst. Government Pleader for Respondents 2-4, for the Respondent

Final Decision : Allowed

Judgement

K.S. Jhaveri, J.—The Petitioners by filing the present petition have challenged the orders passed by the Deputy Collector, Viramgam Prant, Ahmedabad in RTS Revision Case No. 61 of 1989 dated 8th June 1990, Collector, Ahmedabad in Appeal No. 73 of 1990 as well as order of the Secretary (Appeals), Revenue Department in Revision Application No. 19 of 1991 dated 25th May 1992.

2. In paragraph 2.8 of the petition memo, the Petitioner has stated as under:

2.8 The Petitioners submit that the Revision Application No. 19 of 1991 before the Respondent No. 4 for final hearing on 28.10.1991. But on that date, the Advocate for the Respondent No. 1 or the Respondent No. 1 were not present. So the matter was adjourned by the Respondent No. 4 on 25.11.1991 in the presence of the Petitioner No. 1 and their Advocate. On 25.11.1991, the same situation was before the authority. Therefore on 25.11.1991, the Respondent No. 4 has dictated the order of the Notice in presence of the Petitioner o.1 and their Advocate to the Respondent No. 1. For the next date of hearing, and it was discussed to place the documents of Annexures-C and D on 16.12.1991. On the next date of hearing the Petitioner No. 1 and their Advocate has appeared for to

argue the said matter on 16.12.1991 before the Respondent No. 4. But the said matter was not on the Board on 16.12.1991. The Petitioner No. 1 and their Advocate has inquired for the said matter in the office and from the Secretary. But the Secretary has advised to see personally in Chamber of him. In that view of the matter, the Petitioners were deprived from the opportunities to produce the copies of Annexures C and D and to submit their case. The matter was disposed off by the Respondent No. 4 with favourism and malafide intentions to favour the Respondent No. 1 with bad intentions. The Petitioners are having no other recourse open except by way of writ petition.

3. In view of the averments made in paragraph 2.8 of the petition memo, without entering into the merits of the matter, the matter requires to be remanded back to the Secretary (Appeals) for deciding the same on merits.

4. Since the matter is very old one, the revisional authority will expedite the hearing of the revision application and will complete the hearing within six months from the date of receipt of writ of this Court.

5. Rule is made absolute.