

(2023) 03 GUJ CK 0081

In the Gujarat High Court

Case No : R/Special Civil Application No. 19498 Of 2021

Nisharbhai Ahmedbhai Dodiya

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 17-03-2023

Acts Referred:

Citation : (2023) 03 GUJ CK 0081

Hon'ble Judges : Bhargav D. Karia, J

Bench : Single Bench

Advocate : Muhammadyusuf M Kharadi, Ashutosh Dave

Final Decision : Disposed Of

Judgement

Bhargav D. Karia, J

1. Heard learned advocate Mr.Muhammadyusuf M. Kharadi for the petitioner and learned Assistant Government Pleader Mr.Ashutosh Dave for the respondent-State.

2. This Court (Hon'ble Ms.Justice Sangeeta K. Vishen) passed the following order on 2nd February, 2022 :

"1. Mr.M.M. Kharadi, learned advocate for the petitioner submitted that the petitioner had applied for the land admeasuring 276.38 sq.mtrs. vide application dated 30.06.2020 giving all the details including the consent letter and the details to the effect that the petitioner is not having any other residential premises. It is submitted that apropos the application of the petitioner, the office of the Collector sought for opinion from the office of the City Survey Superintendent, who, vide opinion dated 16.07.2020, opined that there is no objection if the application of the petitioner is considered as per the prevalent policy; however, the office of the Deputy Collector has raised objection vide communication dated 22.09.2020. It is submitted that one of the objections raised by thesaid communication is that the petitioner has not given his consent

letter on Rs.50 stamp paper duly notarized and secondly, the details of the residential premises in the name of the family or the petitioner are not mentioned. While inviting the attention to page Nos.37 and 38, it is submitted that the petitioner has stated on oath that he is ready and willing to deposit the amount. So far as the another requirement is concerned, in the form itself, the details mentioned against the Item No.10 (page-29) would suffice. It is also submitted that without considering the aforesaid compliance put forth by the petitioner, the office of the Collector has issued communication dated 15.09.2021, filing the application of the petitioner.

2. Considered the submissions. Issue notice, returnable on 18.02.2022.”

3.1. Learned advocate Mr.Kharadi for the petitioner, under instructions, seeks permission to withdraw this petition so as to enable the petitioner to comply with the requirement of the respondent-Authority to file a requisite affidavit stating that the petitioner is ready and willing to pay the market value of the land to be allotted to him and that no member of the family of the petitioner is having any residential house or land as per the Resolution.

3.2. Learned advocate Mr.Kharadi submits that the petitioner shall make a fresh application before the respondent-Authority along with the affidavit within a period of three weeks from today.

4. Learned Assistant Government Pleader Mr.Dave submitted that if any such application is made by the petitioner, the same shall be considered by the respondent-Authority without being influenced by the earlier communication/order dated 15.09.2021 within a period of four weeks from the date of receipt thereof in accordance with law after giving an opportunity of hearing to the petitioner.

5. The petition is accordingly disposed of. Notice is discharged.