

(2019) 08 GUJ CK 0029
In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 13757 Of 2019

Shakarbhai Kesrabhai Rajput

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 14, 19(1)(g), 21, 226

Citation : (2019) 08 GUJ CK 0029

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

Bench : Single Bench

Advocate : Nishit P. Gandhi, Divyangna Jhala

Final Decision : Disposed Of

Judgement

A.J. Desai, J

1. By way of the present petition under Articles 14, 19(1)(g), 21 and 226 of the Constitution of India, the petitioner has prayed as under:

"17(A) Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions quashing and setting aside the impugned order dated 08.04.2019 passed by the respondent-SSRD (At Annexure- G) as well as the order dated 29.09.2018 passed by the respondent-District Collector (At Annexure-E) as well as the order dated 10.12.2015 passed by the respondent-Deputy Collector (At Annexure-D);.

(B) During the pendency and final disposal of the present petition Your Lordships may be pleased to stay further operation, implementation and execution of the impugned order dated 08.04.2019 passed by the respondent - SSRD (At Annexure-G) as well as the order dated 29.09.2018 passed by the respondent-District Collector (At Annexure-E) as well as the order dated 10.12.2015 passed by the respondent-Deputy Collector (At Annexure-D);

(C) During the pendency and final disposal of the present petition Your Lordships

may further be pleased to direct the respondent-SSRD to decide the application dated 26.04.2019 expeditiously."

2. By taking me through the impugned order passed by the Secretary, Revenue Department and particularly observations made therein, learned advocate appearing for the petitioner would submit that though observations made in favour of the petitioner, revision application was dismissed, which was filed at the instance of the petitioner. Learned advocate appearing for the petitioner would submit that as per information published in the website of the authority, revision application filed by the petitioner is shown as allowed whereas in the impugned order, the same is shown as dismissed.

3. Learned advocate appearing of the petitioner would further submit that in view of the above facts, the petitioner has made an application on 26/04/2019 requesting the Secretary, Revenue Department to modify/clarify his own order, however, no order has been passed till date. Hence, this petition may be allowed.

4. Having heard learned advocates appearing for the respective parties and considering the facts and circumstances of the case, in my opinion, following order would meet the ends of justice:

"The Secretary, Revenue Department would consider the application dated 26/04/2019 made by the petitioner, after examining his own records and after giving an opportunity of hearing to the petitioner, in accordance with law as expeditiously as possible and preferably within a period of four weeks from the date of receipt of copy of this order. It would be open for the petitioner to challenge the order, if any adverse order is passed in the application submitted by the petitioner dated 26/04/2019."

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