

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2902 of 2011

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JIGNASHABEN S PATEL & 4 - Petitioners

Versus

STATE OF GUJARAT & 7 - Respondents

===== **Appearance :**

MS. KRUTI M SHAH for Petitioners : 1 - 5,
MS ASHMITA PATEL AGP for Respondent: 1,
NOTICE SERVED for Respondents : 1,3 - 6, 8,
MS MITA S PANCHAL for Respondent : 2,
NOTICE SERVED BY DS for Respondents : 3, 5,
NOTICE UNSERVED for Respondent: 7,
MR SACHIN D VASAVADA for Respondent: 8,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 20/01/2012

ORAL ORDER

1. There is a fortunate consensus amongst all the advocates that there cannot be any objection if this petition is disposed of on the line on which the Division Bench has disposed of Letters Patent Appeal No. 1314 of 2009 and allied matters vide order dated 31.08.2010.
2. The Division Bench has in fact observed in para-5 in that order as under:

“5. We have heard counsel for the parties and perused the record. At

this stage, we do not intend to decide the issue as raised in the appeals for the reasons hereunder:

(i) the order passed by the learned Single Judge both dated 22.06.2009 as quoted above being non-speaking orders, they cannot be allowed to continue.

(ii) The Central Government having taken a policy decision by its letter dated 05.05.2010, the respondent authorities, including the Surat Municipal Corporation and the State Government, are bound to give weightage to the same, and to act in accordance with law and the judgments of different High Courts and Supreme Court, as referred in the Central Government letter aforesaid."

2. Accordingly, this petition is disposed of with a liberty to the petitioners to take out appropriate representation to all the concerned authorities and submit along with the Central Government order dated 05.05.2010 and in such an eventuality, the concerned authority shall pass appropriate reasoned order in respect of the petitioners grievances. The petitioners shall approach within 2 (two) weeks from today and the authorities concerned shall pass order within 2 (two) weeks thereafter. In case if the order is adverse to the petitioners, it would be open for the petitioners to challenge the same in accordance with law.
3. With this observation, petition is disposed of. Notice discharged. No costs. Direct service permitted.

(S.R.BRAHMBHATT, J.)