



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8852 of 2009

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Sd/-

Approved for Reporting	Yes	No
		✓

MEHBOOB FAKRUDDIN VAKHARIA

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR SIKANDER SAIYED(3458) for the Petitioner(s) No. 1

MR MAYANK CHAVDA, AGP for the Respondent(s) No. 1

KSHITIJ M AMIN(7572) for the Respondent(s) No. 3

RULE SERVED BY DS for the Respondent(s) No. 2,4,5

CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 21/01/2026

ORAL JUDGMENT

1. By the present writ petition, the petitioner is seeking the following reliefs:-

“22(a) That this Hon’ble Court may be pleased to kindly issue a writ of mandamus, or a writ in the nature of mandamus, and/or, any other appropriate writ, directing or order, directing the respondents, their officers, servants agents etc to implement the decisions according to the sanction for the Relief and Rehabilitation of victims of the Communal Riots in Gujarat of 2002, as per Decisions taken by the Government of India, Ministry of Home Affairs in connection with the Annexure/s G collectively produced herewith the petition.

(b) Your Lordships may be pleased to kindly issue appropriate writ or pass such direction(s)/order(s) to the respondents with regard to the resolution of the Government of Gujarat as per various resolutions and policies.

(c) Letter of the Director in the Ministry of Home Affairs, Government of India, dated 20/24.4.2007 addressed to the Chief Secretary, Government of Gujarat, informing him of the decision of the Central Government to provide additional ex-gratia towards Relief & Rehabilitation of the Victims of Communal Riots, Gujarat 2002, at Annexure F.



(d) Pending admission and disposal of this petition, Your Lordship may be further pleased to direct the respondents, their agents and/or their servants to forthwith disburse the amounts due and payable as per the Annexures supplied herewith collectively at Annexure F, G to the riot victims/families of the riot victims as prayed for in clause 22(a to d) above.

(e) Your Lordships may be further pleased to kindly grant an ex-parte interim relief in terms of para 22 (d) above may kindly be granted.

(f) Any other relief that may be deemed just and proper in the matter may kindly be granted in the interest of justice.”

2. It is the case of the petitioner that he was running a glass factory in the name and style of M/s.Vakharia Glass Works at Narol, District Ahmedabad in the name of a proprietorship firm, which was dealing in sell and purchase of glass, mirrors and other glass material and substances. It is further the case of the petitioner that in the communal riots, which had occurred in the year 2002, some persons had broken the shutter and ceiling of the factory and looted and damaged the entire goods to the tune of Rs.9,25,000/-, whereby the business of the petitioner came to a standstill. In the said circumstances, the petitioner was not in a position to lodge any FIR. However, one common FIR was lodged in respect of all the offences, which had occurred in the said particular area. The petitioner had requested various authorities for relief package, which was granted by the Central Government and the State Government. Since there was no response, the petitioner gave an application dated



23.05.2002 to the Collector and also supplied the relevant documents to show the loss incurred by him in the communal riots. It is further the case of the petitioner that though various financial relief packages were granted to the riot victims and affected persons, the same was not extended to the petitioner. Therefore, by the present writ petition, the petitioner has sought implementation of the decisions taken by the Government of India, Ministry of Home Affairs and issue appropriate directions to the Central as well as the State Government to act in accordance with such resolutions and policies.

3. Mr.Sikandar Saiyed, learned counsel appearing for the petitioner, submits that the father of the petitioner had given a complaint to the Shaher Kotda Police Station, Ahmedabad in respect of the damage to his premises in the communal riots and thereafter, panchnama came to be conducted in respect of damaged premises. He submits that thereafter the petitioner has written a communication dated 23.05.2002 to the Collector, Ahmedabad City requesting to grant them the financial relief for which they are eligible. He submits that pursuant to such application, by a certificate-cum-recommendation letter dated 06.06.2002, the case of the petitioner was recommended for appropriate relief by assessing the damage at Rs.2,10,000/-. He submits that pursuant thereto the petitioner



has not received any financial assistance from the State Government or the Central Government. The petitioner is therefore aggrieved and has preferred the present writ petition for implementation of the decisions according sanction for the relief and rehabilitation to the victims of communal riots in Gujarat as per the decision taken by the Government of India, Ministry of Home Affairs.

4. Learned counsel for the petitioner has further relied upon a communication dated 27.04.2007 issued by the Government of India, Ministry of Home Affairs to the Chief Secretary, Government of Gujarat, wherein it has been stated that the Central Government has decided to provide additional ex-gratia payment towards the relief and rehabilitation of the victims of communal riots Gujarat, 2002 and the petitioner was qualified thereunder for the damage to residential property and uninsured commercial/industrial property, which was an ex-gratia amount of 10 times the amount given by the State Government. He, therefore, submits that the petitioner be granted the appropriate additional relief and rehabilitation as declared by the Central Government. He submits that the present writ petition be allowed and the petitioner be declared to be entitled to such additional ex-gratia payment.

5. Per contra, learned AGP Mr. Mayank Chavda appearing on behalf



of the respondent-State submits that by order dated 30.03.2009, the Government of India has made available funds to the State of Gujarat for disbursing the same to the riot affected persons pursuant to the relief package declared by it. It is submitted that all the amounts so received from the Union of India has already been disbursed to the various beneficiaries, who had applied for and had been identified by the State Government. It is submitted that the petitioner has raised a grievance about the last category, which is of damage to the unsecured commercial property and the non-payment of relief thereunder to him. It is submitted that the State Government can only make disbursement under the scheme if the Central Government has granted such payment of compensation to the petitioner. He submits that the State Government has disbursed almost all the amounts under the said relief package and if any compensation was not paid at the relevant point of time, it was due to the various reasons like non-availability of the person on the given address and non-fulfillment of requirement certain claimants and non-furnishing of the relevant documents required under the policy. He submits that the petitioner had prayed for compensation against the damages caused to his glass factory for which the petitioner was required to fill up an application and submit the same to the District Industries Centre. Upon receipt of such application from the present petitioner, an assessment of



damages was carried out by the designated team of the District Industries Centre and thereafter, the petitioner was issued a letter for recommendation for loan on special rates as declared by the State of Gujarat as well as to the bank of his choice i.e. Kalupur Commercial Co-operative Bank, Ahmedabad. He submits that the petitioner had opted for availing the loan for rehabilitation of his business and the same was also granted to him in terms of the State Government G.Rs. dated 16.03.2002 and 16.05.2002. He submits that in the government policy for rehabilitation of industrial and commercial establishments incurring property damage of above Rs.50,000/-, the State Government did not have any scheme for offering any lumpsum or ex-gratia payment. He submits that the petitioner has been granted and sanctioned loan facilities as per his application and therefore, the petitioner was not entitled to any further compensation. He, therefore, submits that the present petition be dismissed.

6. Heard learned counsel for the parties. Considered the submissions and perused the documents on record.

7. The facts of the present case reveal that the petitioner was a victim of mob fury and the communal riots, which had occurred in the State of Gujarat in the year 2002. Looking at the magnitude of the riots, 2002, the



State Government as well as the Central Government announced various relief packages for the victims of the riots. Applications were invited for, and damages were assessed and accordingly, the victims were recommended for financial assistance under various categories. There is no dispute that the petitioner herein lost his commercial establishment in the communal riots. Accordingly, the petitioner has made an application to the Collector in respect of obtaining relief under the financial packages announced by the State Government for such commercial establishments. On the application being made by the petitioner to the Collector, Ahmedabad dated 23.05.2002, the State authorities have conducted the necessary panchnama and assessed the damage done to the commercial establishment of the petitioner. Accordingly, the General Manager, District Industries Centre, Ahmedabad has issued a certificate of damages and loan recommendation letter to the petitioner towards the assessed damages of Rs.2,10,000/-. There is no dispute that the petitioner has received such certificate of damage and recommendation for loan. The petitioner has not challenged the assessment of the damage as per the said certificate before any authority or forum. The petitioner has thereafter filed the present writ petition in the year 2009 seeking additional ex-gratia compensation towards the relief and rehabilitation of the victims of communal riots Gujarat, 2002 announced by the Government of India,



Ministry of Home Affairs under the category of uninsured commercial property in the year 2007. By the prayers prayed for in the present writ petition, the petitioner is only seeking a general direction in respect of implementation of the decisions taken by the Government of India and issuing directions to the State Government to implement the same. The prayers prayed for are general and vague in nature not specifying any categories or any deficiencies. The whole tenor of the writ petition is in the nature of public interest. By affidavit-in-reply, the State Government has clearly stated that the State Government had already disbursed more than 99% of the amounts to the relief victims so received from the Central Government and that the amounts, which could not be disbursed was for various reasons like non-availability of the person on the given address and non-fulfillment of requirement certain claimants and non-furnishing of the relevant documents required under the policy etc. In the present case, the petitioner has been beneficiary of the State Government policy in terms of the Government Resolutions dated 16.03.2002 and 16.05.2002.

8. For the aforesaid reasons and observations and in absence of any material particulars, the prayers prayed for in the present writ petition cannot be granted.



9. The present petition is devoid of merits and is accordingly dismissed. Rule is discharged. Interim relief if any, stands vacated. No order as to costs.

ABHISHEK/62

Sd/-
(ANIRUDDHA P. MAYEE, J.)