



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 137 of 2011

With

CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2024

In R/WRIT PETITION (PIL) NO. 137 of 2011

With

CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025

In CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2024

In R/WRIT PETITION (PIL) NO. 137 of 2011

=====

SHARIFBHAI HASAMBHAI SAKARYANI

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR BJ TRIVEDI(921) for the Applicant(s) No. 1

MR.DEVENDRA H PANDYA(6462) for the Applicant(s) No. 1

MS JIGNASA B TRIVEDI(3090) for the Applicant(s) No. 1

GOVERNMENT PLEADER for the Opponent(s) No. 1,2,3,4

MR APURVA R KAPADIA(5012) for the Opponent(s) No. 19

UNSERVED EXPIRED (N) for the Opponent(s) No. 14

MR PREMAL R JOSHI(1327) for the Opponent(s) No. 6,7

MR VIVEK V BHAMARE(6710) for the Opponent(s) No. 7

MS RENU D CHAUDHARY(6065) for the Opponent(s) No.

10,12,13,15,16,17,18,19,8,9

NOTICE SERVED for the Opponent(s) No. 12,13,15,16,17,18

NOTICE SERVED BY DS for the Opponent(s) No. 1,2,3,4,5

SHRIJIT G PILLAI(7937) for the Opponent(s) No. 11

=====

CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and

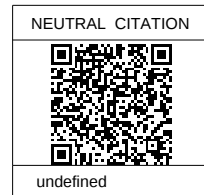
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 17/01/2025

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. This is one of the oldest public interest litigations pending in this Court since 2011. The matter is being posted in the list regularly since the month of April 2024.

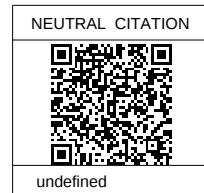


2. On 05.04.2024, recording the sick note and leave note of Mr. Brijesh J. Trivedi and Mr. Shrijit G. Pillai, learned advocates for the parties, the matter was adjourned making it clear that no further adjournment would be granted.

3. On 19.07.2024, the matter was posted on 18.10.2024 noticing the contention of the learned counsels for the parties that in the contempt proceedings under Article 215 of the Constitution of India for willful disobedience of the interim order dated 29.03.2012 passed in the Public Interest Litigation, the order dated 22.03.2013 was passed sentencing both the contemnors namely respondent Nos.5, 6 and 7 to undergo simple imprisonment for the period of one month and a fine of Rs.2000/- each. The order on the contempt application has been stayed by the Apex Court vide order dated 29.04.2013.

4. Again, on 22.11.2024 when the leave note of Mr. Brijesh J. Trivedi, one of the learned advocates, was circulated, the matter was postponed to 13.12.2024. We may note that three counsels are appearing on behalf of the petitioner namely Mr. Brijesh J. Trivedi (921), Mr. Devendra H. Pandya (6462) and Ms. Jignasa B. Trivedi (3090).

5. Today, when the matter was taken up, taking note of the long pendency, we have expressed our opinion at the beginning that we are not inclined to postpone the hearing in the matter. Mr. Brijesh Trivedi, learned advocate, who happens to be the elected President of the Gujarat High Court Advocates' Association, however, insisted to postpone the hearing in the matter by reading and re-reading the order of the Apex Court dated 29.04.2013 in Civil Appeal No. 3880 of 2013 making submissions that with the passing of the order dated 29.04.2013, the proceedings in the public interest litigation can not be continued. When we have declined the prayer to postpone the matter pointing out that there have been repeated

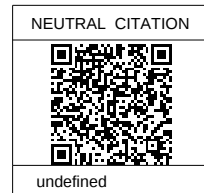


adjournments in the matter on the leave note of Mr. Brijesh Trivedi, learned advocate and other advocates appearing for the parties, and further that the order dated 29.04.2013 passed by the Apex Court is pertaining to the order of disposal of the Civil Application (for Direction) No. 8455 of 2012, which was filed under the Contempt of Courts Act' 1971 read with Article 215 of the Constitution of India, and, as such, there is no impediment in proceeding with the matter on merits, Mr. Trivedi has started making irrelevant submissions and urged that, in case, the Court wanted to hear the matter on merits, adjournment for a period of two weeks is required to be given to him as he would not be available for the said period because of his personal commitment to attend a wedding.

6. Not stopping, he continued to make statements pertaining to the working of the Court on the administrative and judicial side and did not let the Court to proceed on the merits of the case. When the Court again insisted for arguments on merits, Mr.Trivedi asked for time to bring certain papers on record. When the Court asked the question as to why those papers have not been brought on record and inspite of that repeated leave notes were sent by Mr. Trivedi, he started making allegations against the functioning of the Court.

7. In a very unfortunate incident, Mr. Trivedi even commanded the Court to recuse from the matter by agitating that it was the Court which was not permitting him to make his arguments. Twice, statement was made asking the Court to recuse when he was warned not to do that.

8. After making various irrelevant statements and allegations against the Court, Mr. Trivedi had left the Dias and finally the Court, in an inappropriate manner, without even seeking permission from the Court, in the midst of hearing in the matter, when the learned advocates for the opponents / applicants were trying to place their applications before the

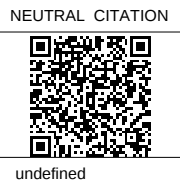


Court. We may reiterate that the learned advocates namely Mr. Premal R. Joshi appearing for the Municipality and the learned advocates for the private respondents were placing their arguments when Mr. Trivedi had left the Dias and the Court while making allegations against the Court.

9. The manner in which Mr. Trivedi has acted, as a whole, gave a clear indication that he was trying to misuse his position as the elected President of the Bar for creating his nuisance value in the Court. This conduct of Mr. Trivedi, who is an elected President of the Bar, is nothing but an effort to browbeat the Court in order to seek adjournment, and creating undue pressure by making reckless allegations, when the Court was only insisting for arguments on merits of the case. We deprecate this conduct of the Bar President being unethical. The conduct demonstrated by Mr. Brijesh Trivedi shows his utter disrespect towards the institution and his attitude which is not only unworthy of becoming an elected President of the Advocates' Association but also unbecoming of an Advocate of the highest Court of the State.

10. Be that as it may, even after Mr. Trivedi had left the Court, proceedings in the matter had continued. The learned advocate for the respondents had pointed out that Civil Application (for Direction) No.01 of 2024 has been filed by him seeking for a direction to the respondent No.6 to consider the application of the respondent under Gujarat Regularization of Unauthorized Development Act, 2022 (for short, "the Act' 2022) as because of the pendency of the present petition for about 13 years, the application for regularization of the constructions under the Act' 2022 has not been considered by the competent authority.

11. Taking note of the above, we may record that two civil applications, i.e. Civil Application (for Direction) No. 01 of 2024 and Civil Application (for Amendment) No.01 of 2025 have been shown in the Cause-list (under office objections). However, none of the above two applications



have been placed on record. We may note that as per the directions issued by Hon'ble The Chief Justice on the administrative side, when the main matter is listed in the Court, any application filed in the pending matter, even if under objection, shall have to be placed before the Court along with the main matter. The Registrar (Judicial) is required to look into the matter.

12. As the application, which is sought to be pressed by the learned counsels for the respondents is not on record, we post the matter on 24.01.2025 requiring the Office to place both the applications on record.

13. It is further clarified that since the matter is quite old, we are not inclined to grant further adjournment. It is provided that no leave note or sick note of any of the counsels would be honoured and in case of absence of the learned counsels appearing for the petitioner or any other parties, the matter would be proceeded with.

14. List this matter on **24.01.2025 at 01:00 PM** along with the Civil Application (for Direction) No. 01 of 2024 and Civil Application (for Amendment) No.01 of 2025.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER