

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 5818 of 2021

With

R/WRIT PETITION (PIL) NO. 118 of 2020

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2020

In R/WRIT PETITION (PIL) NO. 118 of 2020

With

CIVIL APPLICATION (DIRECTION) NO. 1 of 2021

In R/WRIT PETITION (PIL) NO. 118 of 2020

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2020

In R/WRIT PETITION (PIL) NO. 118 of 2020

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2021

In R/WRIT PETITION (PIL) NO. 118 of 2020

With

CIVIL APPLICATION (FOR DIRECTION) NO. 5 of 2021

In R/WRIT PETITION (PIL) NO. 118 of 2020

With

R/WRIT PETITION (PIL) NO. 154 of 2020

With

R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020

With

CIVIL APPLICATION (DIRECTION) NO. 1 of 2021

In R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020

=====

**AHMEDABAD MEDICAL ASSOCIATION THROUGH VICE PRESIDENT
MAULIK SURESHCHANDRA SHAH**

Versus

STATE OF GUJARAT

=====

Appearance:

MR NIRUPAM NANAVATI FOR NANAVATI ASSOCIATES(1375) for the Petitioner(s)
No.1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,
34,35,36,37,38,39,40,41,42,43,44,45,5,6,7,8,9

MR.KEYUR GANDHI WITH MR MIHIR THAKORE, SENIOR ADVOCATE IN Special
Civil Application No. 5818 OF 2021

MR SATYAM Y CHHAYA(3242) for the Respondent(s) No. 2

MR AMIT PANCHAL, PARTY-IN-PERSON IN WPIL NO. 118 OF 2020

MR YH MOTIRAMANI, ADVOCATE IN Civil Application No. 2 OF 2021 AND MR
VIVEK BHAMARE IN Civil Application No. 1 OF 2020

MR DHARMESH DEVNANI, MS SHRUTI PATHAK,AGP for the Respondent(s) No. 1

Mr. DILIP PRAJAPATI IN Civil Application No. 2 OF 2020

MR GIRISH DAS AND MR HS MUNSHAW IN WPIL NO. 154 OF 2020

MR KAMAL TRIVEDI, ADVOCATE GENERAL
MR SIDDHANT SHAH WITH SENIOR ADVOCATE MR. R RR MARSHAL FOR the
PETITIONER AND MR VIJAL DESAI FOR the RESPONDENT NO. 5 IN Special
Civil Application No. 14157 OF 2020
=====

CORAM: **HONOURABLE MS. JUSTICE BELA M. TRIVEDI**
and
HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 11/05/2021

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE BELA M. TRIVEDI)

1. Heard learned Senior Advocate Mr. Mihir Thakore along with learned Advocate Mr. Keyur Gandhi appearing for the petitioner and learned Advocate Mr. Satyam Chhaya with learned Senior Advocate Mr. Mihir Joshi for the Municipal Corporation in Special Civil Application No. 5818 of 2021.

Learned Advocate Mr. Chhaya states that Affidavit has been filed on behalf of the Municipal Corporation yesterday in the Office. Learned Senior Advocate Mr. Thakore seeks time to file affidavit-in-rejoinder. He also submitted that the petitioner has already made an application to the Corporation for relaxation of the Rules for granting the Building Use permission so that the petitioner could start the hospital at the earliest. Let the Corporation consider the application in accordance with law.

2. We have also heard learned Advocate Mr. Amit Panchal appearing party-in-person in Civil Application No. 5 of 2021 in WPPIL No. 118 of 2020 and learned Advocate General Mr. Kamal Trivedi for the State. Having regard to the affidavit-in-reply filed on behalf of the State, Mr. Panchal appearing party-in-person seeks permission to file an application for joining (1) Bharuch Nagarpalika, Notice be served through Chief Officer (2) Mobin Peerzada, Assistant Administrator as a Nodal Officer/Coordinator, nominated by the Trust under the MOU

executed between the District Collector Bharuch and the Trust, (3) Bombay Patel Welfare Society, Bharuch in whose hospital the incident in question had taken place and (4) Chief District Medical Officer (CDMO) Bharuch before whom the report has been submitted by the committee, as the party respondents in the Civil Application No. 5 of 2021 in WPPIL No. 118 of 2020.

Mr. Panchal may file necessary application in the Office today itself alongwith the amended cause-title. On the amended cause-title being submitted, Notices be issued to the newly added respondents. It is directed that the newly added respondents shall file their respective affidavit-in-reply in response to the allegations made in the Civil Application No. 5 of 2021 in the office of the Registry and shall serve a copy thereof to Mr. Amit Panchal and also other concerned Advocates appearing in the Civil Application latest by 21.05.2021. The Affidavits may be served through e-mail to the concerned Advocates. Mr. Panchal is permitted to serve the newly added respondents through e-mail.

3. We have also heard learned Advocate Mr. Siddhant R Shah appearing with learned Senior Advocate Mr. Marshal and learned Advocate Mr. Satyam Chhaya for the respondent Corporation in Special Civil Application No. 14157 of 2020. Let this matter also be listed on 25.05.2021.

4. Let all captioned matters be listed for hearing on 25.05.2021 at 11:00 A.M.

(BELA M. TRIVEDI, J)

(BHARGAV D. KARIA, J)

SINDHU NAIR