

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (FOR CHALLENGING VIRES/ULTRA VIRES) NO. 12369 of 2023**

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ASHWINBHAI @ ASHWINKUMAR AMRUTLAL GAJJAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MS MEGHA JANI(1028) for the Applicant(s) No. 1
MR VIVEK V BHAMARE(6710) for the Respondent(s) No. 2
MR VN BHAMARE(1122) for the Respondent(s) No. 2
MR MITESH AMIN LD ADDITIONAL ADVOCATE GENERAL with MS HETAL
PATEL ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,3
RULE SERVED BY DS for the Respondent(s) No. 1,3

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***CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL***

***and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI***

Date : 04/12/2024

ORAL ORDER

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

Heard Ms. Megha Jani, learned advocate appearing for the petitioner and Mr. Mitesh Amin, learned Additional Advocate General appearing for the State - respondents.

2. Taking note of turn of events in the present case and the sufferance caused to the petitioner, we find it fit and proper in the interest of justice to frame guidelines for compliance by the Committee in the matter of inquiry under the Gujarat Land Grabbing (Prohibition) Act, 2020 and the Gujarat Land Grabbing (Prohibition) Rules, 2020 framed thereunder.

3. The learned advocates have exchanged the proposed guidelines and with the able assistance of the learned advocates, the following guidelines are being framed, which are to be notified by the competent officer of the State, so that there shall be no recurrence of such an incident which has occurred in the present case. The guidelines proposed after deliberations with the learned advocates are as under :-

(1) Each District Committee shall have a Secretariat. The appointment for which shall be made as soon as possible.

(2) The Committee may issue a notice to the parties before taking final decision, if it thinks fit in a given case.

(3) The decision of the Committee shall be communicated to the parties.

(4) The Inquiry Officer while conducting the inquiry as per sub-rule (5) of Rule 5 of the Gujarat Land Grabbing (Prohibition) Rules, 2020 shall take into consideration all the documents filed by the parties during the course of inquiry including the revenue records for submission of the inquiry report.

(5) The Coram of the Committee should be as per Notification dated 16.12.2020 as applicable as on date.

(6) The Coram of the Committee as mentioned in the Notification dated 16.12.2020 would only be comprised of the officers who are members constituting the committee as per the said notification.

(7) The decision of the Committee under sub-rule (8) of Rule 5 the Gujarat Land Grabbing (Prohibition) Rules, 2020 shall be valid only when the Coram is complete.

4. This order be intimated to the Principal Secretary, Revenue Department, Government of Gujarat, for notifying the guidelines for strict compliance throughout the State.

With the above, the present petition stands disposed of.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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