

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8773-8774/2019
(Arising out of SLP(C)Nos.27636-27637/2014)

DHIRUBHA AGARSINH RANA ... APPELLANT(S)

VS.

THE STATE OF GUJARAT & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

The appellant is before this Court, aggrieved by the stand taken by the Division Bench of the High Court that an appeal against the judgment of the learned Single Judge was not maintainable before the Division Bench. That issue is no more *res integra* and is covered in favour of the appellant in *Jogendrasinhji Vijaysinghji Vs. State of Gujarat (2015) 9 SCC 1*. Therefore, the impugned judgment of the Division Bench in *Arun Babulal Parashar Vs. Ahmedabad Municipal Corporation (2014) SCC Online Guj 3698* is set aside.

The matters are remitted to the Division Bench of the High Court. The parties are free to urge before the High Court, as to whether the writ petition as filed could be treated to be one under Article 226 or only an

application under Article 227 of the Constitution of India and how did the Single Judge deal with the matter.

Since Letters Patent Appeal No.1466 is of the year 1997, and the original writ petition was filed in the year 1997, we request the High Court to deal with the Letters Patent Appeal as having been filed in the year 2014 and give it the appropriate seniority while listing the matters for hearing.

The civil appeals are disposed of accordingly, along with all pending applications.

.....J.
[DEEPAK GUPTA]

.....J.
[ANIRUDDHA BOSE]

New Delhi;
15th November, 2019.

ITEM NO.24

COURT NO.15

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).27636-27637/2014

(Arising out of impugned final judgment and order dated 12-06-2014 in LPA No.1466/2013 in SCA No.2948/1997 and dated 25-10-2013 in SCA No.2948/1997 passed by the High Court Of Gujarat At Ahmedabad)

DHIRUBHA AGARSINH RANA

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

Date : 15-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Harin Raval, Sr. Adv.
Mr. Ahanthem Henry, Adv.
Mr. Vivek Kumar, Adv.
Mr. Upendar B. Bhatt, Adv.
Ms. Sukanya Singh, Adv.
Mr. Nipun Saxena, Adv.
Mr. Kartikey Kanojiya, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

For Respondent(s) Mr. Nakul Dewan, Sr. Adv.
Mr. Pradhuman Gohil, Adv.
Mr. Vikash Singh, AOR
Ms. Taruna Singh Gohil, Adv.
Ms. Ranu Purohit, Adv.
Mr. Shiva P., Adv.

State Mr. A.P. Mayee, AOR
Mr. A. Rajarajan, Adv.
Mr. Sanjeev Kr. Choudhary, Adv.
Ms. Hemantika Wahi, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The civil appeals are disposed of in terms of the signed order.

(Deepak Sharma)
Branch Officer

(Sarita Purohit)
AR-cum-PS

(Signed order is placed on the file)