

CA/12839/2009 2/2 ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL APPLICATION No. 12839 of 2009

In

SPECIAL CIVIL APPLICATION No. 3477 of 2009

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SHREE MAHUVA BANDHARA KHETIWADI PARIYAVARAN BACHAV SAMITTEE & 1 -  
Petitioner(s)

Versus

UNION OF INDIA &amp; 5 - Respondent(s)

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**Appearance :**

MR BHUSHAN B OZA for the Petitioners.  
MR RITURAJ M MEENA for Respondent(s) : 2,  
Mr. Kamal Trivedi, Advocate General for Respondent no.3.

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**CORAM :** HONOURABLE THE CHIEF JUSTICE MR. S.J.  
MUKHOPADHAYA  
and  
HONOURABLE MR.JUSTICE MOHIT S. SHAH

Date : 16/12/2009

**ORAL ORDER**

(Per : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA)

Learned Advocate General has produced the decision taken by the State communicated by letter dated 8th December, 2009, whereby the State has decided to take back 54 hectares of land, out of the total land allotted in favour of the 4th respondent for harvesting the water in addition to 64 hectares of land which belongs to the State. From the letter, it further appears that only if the 4th respondent agrees to return 54 hectares of land, then the State Government can permit the 4th respondent to start construction. Learned counsel appearing on behalf of the 4th respondent submits that the 4th respondent has already shown its inclination to return back 54 hectares of land. However, it is accepted that no demarcation has been made till date. In the facts and circumstances, we allow the State to file a reply affidavit enclosing copy of the decision as communicated by the letter dated 8th December, 2009 and the map showing the area on which the State intends to have harvesting of water. It will also make a specific reply with regard to the report at Annexure "A" (page no.47) to state whether any canal or water body was constructed on the land in question. In the meanwhile, the 4th respondent shall not start with the construction work over the land without demarcation of 54 hectares of land. Civil Application

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stands disposed of. List the Special Civil Application on 13th January, 2010.

(S.J.Mukhopadhaya,C.J.)

(M.S.Shah,J)

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