

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) NO. 80 of 2022**

=====

NIPUN PRAVEEN SINGHVI  
Versus  
STATE OF GUJARAT

=====

Appearance:  
MR PERCY KAVINA, SR. COUNSEL, WITH MR VISHAL J DAVE(6515) for  
the Applicant(s) No. 1  
MS. HIRAL U MEHTA(7003) for the Applicant(s) No. 1  
MR UTKARSH SHARMA AGP for the Opponent(s) No. 1  
NOTICE SERVED for the Opponent(s) No. 2

=====

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

and

**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Date : 22/09/2023****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

The instant writ petition in form of Public Interest Litigation raises an issue with regard to non-appointment of Chairperson and Technical Member of Gujarat Real Estate Appellate Tribunal, under Section 43 of the Gujarat Real Estate (Regulation and Development) Act, 2016, for a considerable period of time. We may note that the present writ petition has been filed in the month of September-2022, seeking to fill up the vacancies which arose in the month of June-2021 on account of expiry of the tenure of the then Chairman and September-2021 with respect to the Technical Member.

2. The learned AGP has pointed out that the vacancies have now been filled up and the Appellate Tribunal is operational. However, it may be relevant to note that the vacancies have been

filled up only in the month of September-2023, after the directions issued by this Court. For the aforesaid, while rendering the writ petition as infructuous, we are constrained to observe that there is a considerable delay on the part of the State Government in filling up the posts for a period of more than two years, and as such, it is necessary to observe that no such situation should arise in future.

With the above observation, the writ petition is rendered infructuous.

**(SUNITA AGARWAL, CJ)**

KAUSHIK D. CHAUHAN

**(ANIRUDDHA P. MAYEE, J.)**