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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 1426 of 2021

PATIDAR ANAMAT ANDOLAN SAMITI

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA(437) for the Petitioner(s) No. 1

MS BELA A PRAJAPATI(1946) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 25/01/2021

ORAL ORDER

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1. In this petition, which is filed under Article 226 of the Constitution of India, the petitioner has prayed for the following relief/s:

“(A) Be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction and quash and set aside the oral decision conveyed to the petitioner by the respondent no.3, conveying that the permission to hold and carry out procession on January 26, 2021, is not given.

(B) Be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction and direct the respondents to give permission to the petitioner Association to hold procession on January 26, 2021, consisted of 200 persons only, beginning at 09.00 a.m. which shall commence from Shahid Smarak Sarthana, Surat, which would end to the Statute of Sardar Vallabhbhai Patel, Mangadh Chowk, Minibazar, Varachha, Surat;

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(C) Pending admission and final disposal of the present petition, be pleased to restrain the respondents, their agents and servants from carrying out procession of 2000 persons only on January 26, 2021, which shall commence from Shahid Smarak Sarthana, Surat, which would end to the Statute of Sardar Vallabhbai Patel, Mangadh Chowk, Minibazar, Varachha, Surat;

(D) Be pleased to pass such other and further orders as may be deemed fit and proper."

2. When the matter is called out, learned counsel Mr. Mangukiya appearing for the petitioner submitted that yesterday only, order dated 24.01.2021 has been served to the petitioner, whereby the permission as prayed for by the petitioner has been rejected on the ground stated in the said order. Learned counsel Mr. Mangukiya has sent a copy of the said order on WhatsApp to learned Court Master of this Court. This Court has gone through the said order. According to this Court, when the written order of rejection has been passed, the petitioner has to challenge the same by way of amendment. Accordingly, petitioner is permitted to amend the petition.

3. Looking to the averments made in this petition, issue urgent **notice** to the respondents returnable on **27th January, 2021**. Direct service today is permitted.

It is also open for the learned counsel for the petitioner to serve to the respondents through email.

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI

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