

Gujarat High Court

Devyaniben vs Ahmedabad on 23 October, 2008

Author: D.A.Mehta,&NbspHonble Smt. Kumari,&Nbsp

Gujarat High Court Case Information System

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SCA/571220/2008 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL

CIVIL APPLICATION No. 5712 of 2008

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DEVYANIBEN
THAKORLAL SHAH - Petitioner(s)

Versus

AHMEDABAD
MUNICIPAL CORPORATION & 1 - Respondent(s)

=====

Appearance :
MR
NILESH M SHAH for Petitioner(s) : 1,
MR RITESH
K. SONI FOR M/S RJ RAWAL ASSOC. for Respondent(s) : 1 - 2.
MS
SHIVYA A DESAI for Respondent(s) : 1 -
2.

=====

CORAM

:

HONOURABLE

MR.JUSTICE D.A.MEHTA

and

HON'BLE

SMT. JUSTICE ABHILASHA KUMARI

Date
: 23/10/2008

ORAL
ORDER

(Per : HONOURABLE MR.JUSTICE D.A.MEHTA)

1. This petition was filed primarily challenging bills of the premises bearing survey No. 342/4/1/1 from the year 1997-98 to 2006-07 in relation to Old Tenement No.6961-0411-00-0103-R and New Tenement No.0515-17-0481-0004-S. It appears that the petitioner had raised the same challenge vide Special Civil Application No. 4409 of 2006. Vide order dated 26.12.2006 the Court recorded the statement made by the learned Advocate for the respondent Corporation in the following terms :

3. On service of notice, Mr.Maulin Raval, learned Counsel appears for the respondents. Mr.Maulin Raval, learned Counsel for the respondents states at the Bar that he had addressed a letter dated December 16, 2006 to Deputy Municipal Commissioner (West Zone), Usmanpura, Ahmedabad, pointing out the contention of the petitioner that the office of an advocate should not be considered as commercial property and that in view of the judgment of the Supreme Court, appropriate decision should be taken. A copy of the letter is produced for perusal of the Court. The same is ordered to be taken on the record of the case .

2. In light of the said statement the petitioner was permitted to withdraw the petition with a direction to the respondent Corporation to treat the petition as representation of the petitioner. Pursuant thereto the impugned bills have been issued. At the time of hearing on 15.10.2008 the grievance was made on behalf the petitioner that, order of assessment was never served on the petitioner and only bills were served. Hence, the following order dated 15.10.2008 came to be made :

Learned Advocate appearing on behalf of respondent Municipal Corporation states that the Municipal Corporation shall serve the order of assessment on the petitioner within a period of a week from today. To be listed on 23.10.2008 .

3. Today learned Advocate for the petitioner states that the petitioner has been served with an order of assessment and the petitioner intends to challenge the same in accordance with law. The learned Advocate for the petitioner, in the circumstances, seeks permission to withdraw the petition so as to enable the petitioner to challenge the order of assessment in accordance with law. Permission to withdraw the petition is granted. The petition stands rejected as withdrawn. Notice discharged.

Sd/-

Sd/-

(D.A.Mehta, J.) (Smt. Abhilasha Kumari, J.) M.M.BHATT Top