

Gujarat High Court

Natwarlal vs State on 28 January, 2010

Author: Mr.S.J.Mukhopadhaya,&NbspHonourable Mr.Justice Dave,&Nbsp
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LPA/1463/2009 1/ 1 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS

PATENT APPEAL No. 1463 of 2009

In

SPECIAL

CIVIL APPLICATION No. 9156 of 2005

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NATWARLAL

KASALCHAND MEHTA - Appellant(s)

Versus

STATE

OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR

AJ PATEL with MR

GM AMIN for Appellant(s) : 1,

MR AJ DESAI, AGP for Respondent(s) :

1 - 2,

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CORAM

:

HONOURABLE

THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA

and

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date
: 28/01/2010
ORAL ORDER

(Per : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA) In the present case it will be evident that the auction took place as far back as on 6.12.1985 which was subsequently cancelled on 24.2.1986. It is not in dispute that the appellant, who was the highest bidder, had not deposited the total consideration amount before the order of cancellation and thereby did not accrue

any right out of the auction sale. The matter was taken up from time to time and after hearing, one order was passed by the Collector against the appellant on 30.5.2003 which was confirmed by the State Government on 7.3.2005 whereby the auction held on 6.12.1985 was held to be illegal. The learned Single Judge also confirmed those orders by the impugned common judgment dated 12.5.2005. In view of the aforesaid facts, after more than 25 years of auction, we are not inclined to take up the issue of legality and propriety of such auction.

The appeal is accordingly dismissed, but there shall be no order of costs.

[S.J.

MUKHOPADHAYA, C.J.] [ANANT S. DAVE, J.] sundar/-

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