

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 16697 of 2016

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JAGRUTIBEN BHIKHUBHAI PATEL & 2....Petitioner(s)

Versus

STATE OF GUJARAT & 4....Respondent(s)

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Appearance:

MR AJ YAGNIK, ADVOCATE for Petitioner(s) No. 1 - 3
 MS MANISHA LUVKUMAR, GOVERNMENT PLEADER, WITH
 MR DHAWAN JAYSWAL, AGP for Respondent(s) No.1, 3-5
 MS ROOPAL R PATEL, ADVOCATE for Respondent(s) No. 2

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CORAM: HONOURABLE MS.JUSTICE HARSHA DEVANI

and

HONOURABLE MR.JUSTICE A.S. SUPEHIA

Date : 18/11/2016

ORAL ORDER

(PER : HONOURABLE MS.JUSTICE HARSHA DEVANI)

- (1) The first grievance voiced in this petition initially was that rotation in the reservation of offices of sarpanch in the taluka was not properly taken care of and that the same were not allotted in terms of the provisions of rules 10 and 11 of the Gujarat Village Panchayats Election of Sarpanch (Manner of Allotment of Reserved Offices of Sarpanch by Rotation) Rules, 1994 (hereinafter referred to as "the rules"). However, in respect thereof the respondents have filed an affidavit-in-reply, whereby the grievance voiced by the petitioners has been taken care of and the allotment of seats has been re-adjusted to bring them in

consonance with rules 10 and 11 of the rules. Mr.A.J.Yagnik, Learned advocate for the petitioners, therefore states that the first grievance voiced in the present petition does not survive.

- (2) The second grievance voiced in the petition was that the notified industrial area being an urban area cannot be included within the panchayat for the purpose of panchayat election. The said grievance has also been taken care of by the respondents, as averred in the affidavit-in-reply, viz. that the notified industrial area now stands excluded. The second grievance, therefore, also no longer survives.
- (3) Subsequently, the petitioners had moved an amendment contending that upon exclusion of the notified areas the population of the village would be reduced and, therefore, the number of seats to be allotted were required to be worked out afresh after excluding the population of the people residing in the notified area.
- (4) In response to the subsequent contention raised on behalf of the petitioners, the respondents have produced on record

Statement No.2 with regard to Hazira Village indicating that the remaining population, after exclusion of the notified industrial area, stands at 16,724 and in view of the amendment into the Gujarat Panchayats Act, 1993, the number of wards would be 18, which is in consonance with the provisions of sections 9(4) and 16(1) of the said Act. It is an admitted position that similar position exists in respect of villages Kavas and Mora also. The learned advocate for the petitioners, in the light of the affidavit-in-reply filed by the Government and the Statement produced on record, states that none of the grievances voiced in the petition survive.

- (5) In the light of the aforesaid, the petition is disposed as having become infructuous. NOTICE is discharged. No order as to costs.

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Sd/-
[HARSHA DEVANI, J]

Sd/-
[A. S. SUPEHIA, J]

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