

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1011 of 2021**

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JAMIAT ULAMA-E-HIND GUJARAT THROUGH ITS GENERAL
SECRETARY NISAR AHMED MOHAMMAD YUSUF ANSARI

Versus

STATE OF GUJARAT

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Appearance:

MR MIHIR JOSHI SR. ADVOCATE with MR MUHAMMAD ISA M
HAKIM(10874) for the Petitioner(s) No. 1,2,3
MS MANISHA LAVKUMAR SHAH with MR DM DEVNANI ASSISTANT
GOVERNMENT PLEADER for the Respondent(s) No. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH
and
HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI

Date : 20/01/2021

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH)

We have heard Shri Mihir Joshi, learned Senior Counsel assisted by Shri Muhammad Isa M. Hakim, learned counsel for the petitioners and Ms. Manisha Lavkumar Shah, learned Government Pleader assisted by Shri D.M. Devnani, learned Assistant Government Pleader for the State – respondent on advance copy.

Issue **Notice** returnable on **03.02.2021**. Shri D.M. Devnani, learned Assistant Government Pleader waives service of

notice on behalf of the State – respondent.

As there is a challenge to the provisions of the State enactment as being ultra vires, let notice be issued to the learned Advocate General for the date already fixed.

Ms. Manisha Lavkumar Shah, learned Government Pleader upon instructions has informed that as of date the Notification under Section 3 (1) (ii) and (iii) of the Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 (Amendment Act, 2020) has still not been issued and is at the stage of the assent of the Governor.

Till the next date fixed, the respondent – State is restrained from issuing any Notification under the above provisions. The reasons are not invited as such, we have not recorded any reasons.

(VIKRAM NATH, CJ)

(ASHUTOSH J. SHASTRI, J)

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