

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 8 of 2023
With
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2024
In R/WRIT PETITION (PIL) NO. 8 of 2023

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DEVRAJBHAI TULSIBHAI PATEL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. SHYAM K SHELAT(6552) for the Applicant(s) No. 1

for the Opponent(s) No. 2,3,4,5,6,8

MR G. H. VIRK, GOVERNMENT PLEADER/PP for the Opponent(s) No. 1

MS HINA DESAI(1023) for the Opponent(s) No. 7

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 09/08/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)

[1] There are repeated sick notes of Ms. Hina Desai, learned advocate appearing for Respondent No.7 from the last two dates. Today, Mr. Shyam K. Shelat, learned advocate for the petitioner has sent a sick note.

[2] On the first date fixed for admission of the instant Public Interest Litigation i.e. 18.04.2023, the petitioner was directed to supply complete details about the Harijan Asharam Trust, which was registered way back in the year 1940 as well as details about

the alleged distribution of the amount with the persons, who were not residents of the Ashram. The matter has not been argued since thereafter.

[3] We may note that the present Public Interest Litigation has been filed with the prayers to issue directions to the Respondent Authorities and Trust namely Sabarmati Ashram Preservation and Memorial Trust (Respondent No.3) to undertake to protect and preserve the buildings established (constructed) in the era of Mahatma Gandhi and that no other Trust will collect donations from the public operating from within the Gandhi Ashram precincts except the Trust formed by Mahatma Gandhi namely Sabarmati Harijan Ashram Trust.

[4] There are other reliefs, which pertain to management of Sabarmati Ashram by the Respondent No.3 – Trust. The issue, which is sought to be raised is about the intention of the State Government to displace original inhabitants of the Harijan Ashram Trust by giving and distributing lakhs and crores of rupees without proper verification. It is stated that some persons, who were not the original / legal occupants of the Harijan Ashram Trust and whose constructions were without any sanctions either from the trust or the Ahmedabad Municipal Corporation have been distributed lakhs and crores of rupees.

[5] It is pointed out by Mr G. H. Virk, learned Government Pleader that the issue raised in the instant petition have been addressed by this Court in the Writ Petition (PIL) No. 137 of 2021,

wherein stand of Sabarmati Harijan Ashram Trust has also been noted in Paragraph '16' onwards, wherein it is recorded that Sabarmati Harijan Ashram Trust, in principle, had agreed with the proposed project of Gandhi Ashram Memorial and precincts development.

[6] We may note that the prayer made in the instant petition is to issue a direction that in view of the conditional development permitted by this Court in Writ Petition (PIL) No. 137 of 2021 (noted hereinabove), the properties mentioned at Annexure – J be preserved and the Respondent Authorities be directed to continue the operations of schools inside the precincts of Sabarmati Harijan Ashram, which have been started by Mahatma Gandhi.

[7] Taking note of the above, we post the matter on 23.08.2024 making it clear that the matter is to be argued by the learned counsel for the petitioner on the next date fixed and that the leave note and / or sick note of any of the counsels would not be honored.

Put up the matter on **23.08.2024**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER