

SUPREME COURT OF INDIA

Harendrakumar Natwarsinghji

Vs.

State of Gujarat

C.A.Nos.5871-5872 of 2010

(S.H. Kapadia CJI., K.S. Radhakrishnan and Swatanter Kumar JJ.)

22.07.2010

ORDER

1. Leave granted.

2. Heard learned counsel on both sides.

3. Apart from the constitutional validity, which challenge is given up by the appellant herein, the only question which requires to be decided on merits is, whether Premkunvarba and Harendrakumar are entitled to the shares claimed by them in the proceedings under the Gujarat Agricultural Lands Ceiling Act, 1960, [for short, 'the Act']? Almost 16 to 17 years have gone in this litigation primarily based on points relating to the constitutionality and the scope of certain provisions of the Act. That challenge no more survives. However, as stated above, on the question of entitlement of the above two persons, the High Court has not gone into the claims made by Premkunvarba and Harendrakumar under the Act. On this limited ground, we remit the case to the High Court for de novo consideration in Special Civil Application No.4351 of 1990.

4. We request the High Court to place these matters for directions on 2nd August, 2010, and, on that date, the High Court may give a fixed date of hearing, as early as possible.

5. It is made clear that, once the date is given, the matter will proceed on day-to-day basis and no adjournment will be granted under any circumstances, particularly when the litigation has been fought for last 16 years.

6. The civil appeals stand disposed of accordingly.

7. No order as to costs.