IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 15926 of 2020

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DHIRUBHAI MERUBHAI DIVRANI

Versus

STATE OF GUJARAT

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Appearance:
A S TIMBALIA(7372) for the Petitioner(s) No. 1
for the Respondent(s) No. 2,3
MR BHARGAV PANDYA, Assistant Government Pleader for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

Date : 18/12/2020

ORAL ORDER

Heard learned advocate Mr. A.S. Timbalia for the petitioner and learned Assistant Government Pleader Mr. Bhargav Pandya for the respondent-State through video conference.

Learned Assistant Government Pleader Mr. Bhargav Pandya under instructions from Police Inspector, Amroli police station, Surat City states that as of now, there is no proposal or order of detention of the petitioner under the Gujarat Prevention of Anti-Social Activities Act, 1985 (for short the 'PASA Act').

In view of above statement made by learned Assistant Government Pleader and as observed by the Division Bench of this Court (Coram : Hon'ble the

Chief Justice Mr. R. Subhash Reddy and Hon'ble Mr. Justice Vipul M. Pancholi) vide order dated 08.10.2018 passed in Letters Patent Appeal No. 1281 of 2018 in Special Civil Application No. 6693 of 2018 with Civil Application No. 1 of 2018, present petition does not survive. The learned advocate appearing for the petitioner seeks permission to withdraw this petition with a liberty to file a fresh petition for appropriate relief, if any order of detention of the petitioner is passed.

The Division Bench of this Court in Para – 4 of the above referred decision has observed as under:

> *"4. During the course of hearing, learned counsel appearing for the appellant has fairly admitted that there is no order of detention passed under the provisions of PASA Act of 1985. If no such order of detention is passed, we fail to understand how such a petition, seeking the relief as sought for, could have been filed. While it is open for the appellant to file such a petition, when the order of detention is passed, if there is any ground available to challenge the same before the same is executed, but at the same time, if order of detention is not passed under the provisions of PASA Act, no such petition can be maintained seeking the relief as sought for."*

In view of the above, this petition does not survive and accordingly stands disposed of as withdrawn with liberty to the petitioner to file a fresh petition in case order of detention is passed under the PASA Act. Interim relief / protection stands vacated.

(BHARGAV D. KARIA, J)

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