



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 664 of 2026

In

R/SPECIAL CIVIL APPLICATION/3445/2026

With

CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2026

In

R/LETTERS PATENT APPEAL NO. 664 of 2026

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MOHAMMAD AKRAM BILALAHMED ITAWALA & ANR.

Versus

MOHAMMAD JAHID KARABHAI & ORS.

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Appearance:

MR YATIN OZA, SENIOR ADVOCATE with MR APURVA R KAPADIA(5012) and MR ANURAG RATHOR for the Appellant(s) No. 1,2

MS HETAL PATEIL , ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 14

MR RR MARSHAL, SENIOR ADVOCATE with MR ARPIT A KAPADIA(3974) for the Respondent(s) No. 1

MS VISHWA A SHASTRI(10559) for the Respondent(s) No. 10,11,12,13

PRANAV U RAVAL(9475) for the Respondent(s) No. 3,4,6,7

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.

JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 11/08/2026

ORAL JUDGMENT

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

1. Having heard Mr. Yatin Oza, learned Senior Counsel assisted by Mr. Apurva R. Kapadia and Mr. Anurag Rathor, learned advocates for the petitioners, Mr. R.R. Marshal, Senior Counsel assisted by Mr. Arpit Kapadia, learned advocate for respondent No.1, Mr. Pranav Raval, learned



advocate for respondents Nos. 3,4,6,7, Ms Vishwa A Shastri for respondents Nos. 10,11,12,13 and Ms Hetal Patel, learned Assistant Government Pleader for respondent No. 14 and perused the record, while noticing that the order impugned dated 04.08.2026 is an *interlocutory* order whereby the learned Single Judge has stayed further proceedings pending before the Joint Charity Commissioner pertaining to Scheme Application No.3 of 2025, we have heard the matter at some length on the issues raised in the appeal.

2. However, during the course of arguments on the proposal made by the Court that the matter be relegated to the Joint Charity Commissioner for fresh consideration after consolidation of both the Schemes namely, Scheme Application No.37 of 2025 filed by the writ petitioners and Scheme Application No.3 of 2025 filed by the appellants herein/original respondents, it is submitted by the learned Senior Counsels for the parties that the parties have no objection to the said proposal provided their case is left to be adjudicated on their individual merits and they have also consented for final disposal of the writ petition itself.

3. In view of the above, without entering into the merits of the order dated 09.01.2026 passed by the In charge Joint Charity Commissioner, Surat Division, Surat in rejection of Scheme Application No.37 of 2025 filed by the petitioner with respect to the Trust in question, we quash and set aside the order dated 09.01.2026 with the directions that the pending Scheme Application No.3 of 2025 filed by the appellant



herein/ respondents and the Scheme Application No.37 of 2025 filed by the writ petitioners shall be consolidated and be dealt with strictly in accordance with law, as per the procedure prescribed in the scheme of Gujarat Public Trusts Act' 1950.

4. The Joint Charity Commissioner is directed to deal with both the Schemes strictly in accordance with law, without being influenced by any of the observations made hereinabove and shall take a final decision after providing due notice and opportunity of hearing to all the concerned parties, as expeditiously as possible preferably within a period of three months from the date of receipt of the copy of this order.

5. In any case, the Joint Charity Commissioner is cautioned to undertake due process of law and abide by the procedure prescribed under the Gujarat Public Trusts Act' 1950 and the Rules made thereunder while dealing with both the Schemes of the petitioners as well as the respondents.

6. In view of the above, both the writ petition as well as the present intra-court appeal stand disposed of in terms and directions given hereinabove. Connected Civil Application would not survive and shall stand disposed of accordingly.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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