

## Guj HC bench recuses itself from graveyard case

Contributed by Correspondence  
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Ahmedabad: A day after it rapped the state government for non-compliance of an order, a division bench of Gujarat High Court on Wednesday rescued itself from hearing the petition filed by All India Christian Council (AICC).

The division bench of justices V M Sahai and A J Desai said "not before us" as after reading the affidavits filed by the chief secretary and Ahmedabad collector on the matter regarding a graveyard, it was learnt that the issue had come before the court earlier and Justice Desai had appeared as lawyer for one of the litigants. The matter will now be referred to the Chief Justice, who will assign a new bench. A catholic church in Vatva had complained to Ahmedabad district authorities against illegal digging on a graveyard in Vinzol area.

AICC moved National Human Rights Commission when there was no response. NHRC summoned the district collector twice, but, the petition says, the official did not pay heed, and NHRC transferred the case to State Human Rights Commission last year. AICC then moved the High Court against the transfer of the complaint.

Yesterday, the state government had to face ire of the court as it had failed to file affidavit on whether Gujarat State Human Rights Commission (SHRC) had been validly constituted, and whether it was functional.

Chief Secretary and the Ahmedabad district collector did not file affidavits as directed by the Court on February 29.

When the Advocate General yesterday sought a day's time, Justice Sahai asked how the the government could disregard court orders, particularly when violation of human rights was the issue.

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