

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 448 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 2 of 2025****In R/SPECIAL CIVIL APPLICATION NO. 448 of 2025**

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VANDANA VINAYKUMAR SINGH**Versus****KHAMBHAT NAGARPALIKA**

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Appearance:**MR HARSHADRAY A DAVE(3461) for the Petitioner(s) No. 1****MR DILIP B RANA(691) for the Respondent(s) No. 1**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 18/08/2025****ORAL ORDER**

1. This petition is filed challenging the resolution dated 26.11.2024 (page 13) under which, the earlier assessment made of the property for commercial use has been cancelled.

2. Heard learned senior advocate Mr.S.I.Nanavati assisted by learned advocate Mr.H.A.Dave for the petitioners. Learned senior advocate Mr.Nanavati submitted that earlier petitioner made an application seeking residential and commercial use permission. The said permission was granted and it was communicated to the petitioner to make the payment for change in assessment. The application was made by the petitioner seeking change in assessment from only residential to residential as well as

commercial. Accepting the same a communication dated 17.10.2024, was addressed to the petitioner directing to make payment for commercial assessment. The communication dated 17.10.2024 is at Annexure E page 25. Accordingly, the petitioner made the payment and thereafter, a resolution dated 26.11.2024 was passed whereby petitioner's commercial assessment was cancelled. Under resolution dated 26.11.2024, the petitioner was permitted only residential use and commercial assessment was cancelled. Learned senior advocate submitted that the resolution dated 26.11.2024 is unjust and illegal because the decision vide resolution No.18 dated 26.11.2024 was taken without issuing notice and without providing any opportunity of hearing to the petitioner.

3. Further, in the affidavit filed by Nagarpalika the reason given for resolution dated 26.11.2024, is that of administrative error. The nature of administrative error is not referred in the affidavit. Moreover, not having NA permission or BU permission, cannot be the ground because at no point of time petitioner was called upon to produce such documents. Therefore, the resolution deserves to be quashed and set aside.

4. Learned advocate Mr.Dilip Rana for respondent Nagarpalika could not dispute that the resolution dated 26.11.2024 was passed cancelling the earlier commercial assessment without providing opportunity of hearing to the petitioner.

5. Learned Advocate Ms. Nisha Parikh for newly joined Township submitted that the allotment of plot was done for residential use. However, this court had noticed orders passed in Lavad Suit.

6. Considering the submissions and the documents on record, it is noticed that vide resolution No.18 dated 26.11.2024 of respondent No.1- Khambhat Nagarpalika, cancelled the petitioner's earlier assessment for commercial use. Thus, petitioner was only permitted to use the premises for residential use. From the documents on record particularly, page 25, it is evident that earlier the petitioner premises was assessed for residential as well as commercial use. Earlier for commercial use the petitioner vide communication dated 17.10.2024 was asked to pay charges for commercial use and it was paid by the petitioner. Subsequently, the commercial assessment was cancelled without putting the petitioner to notice. The affidavit of Nagarpalika refers to administrative error for action of cancellation of commercial assessment and its use accordingly, without explaining the nature of administrative error. In view of the above, following order is passed.

(i) The Resolution No.18 of respondent No.1-Khambhat Nagarpalika dated 26.11.2024 is quashed and set aside qua petitioner's assessment for commercial purpose.

(ii) Respondent No.1-Nagarpalika is directed to issue notice and

to provide opportunity of hearing to the petitioner, prior to any decision cancelling earlier assessment made for commercial use.

(iii) Once opportunity of hearing is provided to the petitioner, it is open for respondent Nagarpalika to pass appropriate orders in accordance with law.

7. This Court has not gone into the merits of the matter.

8. With this, the petition stands disposed of.

9. Consequentially, Civil Application (s) also stands disposed of.

(MAUNA M. BHATT,J)

NAIR SMITA V./07

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 19/08/2025 16:16:36