

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9698 of 2023**

=====

POOJA AUTO PARTS
Versus
STATE OF GUJARAT

=====

Appearance:

MR K. I. KAZI FOR MR MOHAMMADIRFAN M SHAIKH(11921) for the
Petitioner(s) No. 1,2
for the Respondent(s) No. 2,3,4,5,5.1,5.2,6
MS ROSHNI J. PATEL, ASSISTANT GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

=====

CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 03/10/2023
ORAL ORDER

1. Mr K. I. Kazi, learned advocate for Mr Mohammadirfan M. Shaikh, learned advocate for the petitioners has tendered the draft amendment. Amendment is allowed in terms of the draft. The same shall be carried out forthwith.

2. Mr K. I. Kazi, learned advocate for Mr Mohammadirfan M. Shaikh, learned advocate for the petitioners submitted that in the year 1989, a sale deed came to be executed in favour of the petitioners by Bechar Lalabhai Bajania with respect to 77 sq. mtrs. of land of survey no.50/4. It is submitted that the petitioners are concerned only with respect to 77 sq. mtrs. of land; however, since in the revenue record, the names of the petitioners were not available and therefore, the proceedings under the Town Planning Scheme has been proceeded ex-parte. It is submitted that in the past, the petitioners have filed the writ petition, as the final plot was already allotted to the private respondent that the writ petition

came to be disposed of; however, in the appeal, liberty has been reserved to challenge the allotment of the final plot made in favour of the private respondent. The petitioners have also approached the authority seeking their portion of land as per the provisions of the Gujarat Town Planning and Urban Development Act, 1976; however, till date, no decision has been taken.

3. Considered the submissions. Issue notice to the respondents, returnable on 07.11.2023. Direct service is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)