

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1451 of 2026**

=====
HARI DHAMA VARCHAND & ORS.

Versus

STATE OF GUJARAT & ORS.
=====

Appearance:

MR SI NANAVATI, SENIOR ADVOCATE WITH MR MRUGEN K

PUROHIT(1224) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,20,21,22,3,4,5,6,7,8,9

MR MIHIR JOSHI, SENIOR ADVOCATE WITH MS AISHVARYA GUPTA

(8018) for the Respondent(s) No. 3

MR NIKUNJ KANARA, AGP for the Respondent(s) No. 1,2,4
=====

CORAM: **HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE****Date : 03/02/2026****ORAL ORDER**

1. By the present writ petition, the petitioners herein are praying for a direction to quash and set aside the impugned notice dated 22.01.2026 issued by the respondent no.3-Deendayal Port Authority. By the said notice, it is stated that all the encroachments, illegal occupation on the lands held by the respondent no.3-Port Authority shall be removed and appropriate proceedings shall also be undertaken under the Land Grabbing Act as well as other relevant Acts. The public at large has been cautioned to stay away from encroaching upon the land of the Port Authority.

2. Learned Senior Advocate Mr.S.I.Nanavati appearing on behalf of the petitioners submits that the petitioners are lease holders in respect of different parcels of land, which have been allotted by the Collector for the purpose of salt pans. He submits that the petitioners are holding valid lease rights in the lands in their possession since 1989 and the leases thereof have been renewed from time to time. He also relies on

Annexure-B being the chart depicting the lands allotted to the petitioners and in their possession and the tenure of leases. As per the the said chart, lease renewal is also pending in respect of the petitioner nos.14 to 22. He submits that as on date the petitioners are only trying to protect the land legally in their possession. He submits that in respect of the excess land in their possession, a sympathetic view be taken.

3. Learned Senior Advocate Mr.Mihir Joshi with learned counsel Ms.Aishwarya Gupta appearing for respondent no.3 submits that the petition is vague in its averments as well as in material particulars. He submits that the petitioners have deliberately not disclosed the extent of lands in their possession. He submits that no details in respect of the demarcation of such lands held in their possession have been placed on record. He submits that only the longitude and latitude of the land in possession of the petitioner no.2 has been placed on record at page no.43 of the petition. He submits that beyond that, there are no material particulars in respect of the rest of the petitioners in the petition. He submits that the respondent no.3 is only removing the encroachments made on the land of the Port Authority and is only implementing the orders passed by the National Green Tribunal and other statutory authorities. He submits that respondent no.3 is only concerned with the lands, which are in its possession. He submits that if the petitioners place on record the material particulars of the lands in question, which is being held by them including the longitude and latitude of such lands, then the same will be examined appropriately.

4. Learned Senior Advocate Mr.Mihir Joshi with learned counsel Ms.Aishwarya Gupta, upon instructions of Shri Ramindra Reddy, Chief

Engineer, Deendayal Port Authority, submit that the details of the land in possession of petitioner no.2, placed at page no.43 being Plot No.50 at Village Chudva, shall not be proceeded with against for removal of any encroachment to that extent of its boundaries. Further, he submits that the petitioners have approached this Court only on the apprehension that the lands in their legal possession would be taken away, whereas the respondent no.3-Port Authorities are taking action only in respect of the encroachments made on their lands. He submits that the apprehension of the petitioner is unfounded. If they are in possession of the demarcated area under the valid lease executed in their favour, the same will not be dispossessed.

5. Considered the submissions. Issue **Notice**, returnable on 13.02.2026. Learned AGP waives service of notice on behalf of respondent nos.1, 2 and 4. Learned counsel Ms.Aishwarya Gupta waives service of notice on behalf of respondent no.3. In addition, Direct service is permitted for respondent nos.2 and 4.

6. Till the next date of hearing, the respondent no.3 shall not disturb the possession of the petitioner no.2 in respect of the Plot No.50 at Village Chudva, admeasuring 10 acres as per the map produced by the petitioner at page no.43 of the petition.

7. Learned counsel for the petitioners is permitted to file an additional documents supported by affidavit.

ABHISHEK/SB-3

Sd/-
(ANIRUDDHA P. MAYEE, J.)