

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2388 of 2024**

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PATEL RASIKBHAI VEERCHANDBHAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. MAULIK M SONI(7249) with LD. ADVOCATE MR. PREM K SHAH for
the Petitioner(s) No. 1ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

DS AFF.NOT FILED (N) for the Respondent(s) No. 1

MR KM SHETH(838) for the Respondent(s) No. 6

MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 10/03/2026****ORAL ORDER**

1. Heard learned advocate Mr. Prem Shah for learned advocate Mr. Maulik Soni for the petitioner.

2. Learned advocate for the petitioner has pointed out to this Court that the Langhnaj Gram Panchayat has way of notice dated 12.04.2023 and 02.05.2023, upon the respondent No.6 for unauthorized construction and taking action under Section 104 of the Gujarat Panchayat Act. It is the case of the petitioner that despite such notices have been issued, the Panchayat has not taken any action in furtherance thereof and thereby failed in its performance of a statutory duty.

3. Considering the aforesaid submission, a specific

question was put to the learned advocate Ms. Sejal Mandavia for the respondent-Panchayat, that what action the Panchayat proposes to undertake pursuant to the notice dated 12.04.2023 and 02.05.2023. To which, learned advocate affirmatively submitted that the Panchayat shall take all steps in accordance with law immediately.

4. Since the lawyer of the private respondent is also present, a question was asked as to production of any construction and/or development permission, to which learned advocate shown his inability to produce on record.

5. Thus, it appears that the construction of the respondent No.6 is without any authority of law and thereby it is the statutory duty on the part of the Panchayat to take necessary action against such an unauthorized construction which the Panchayat admittedly failed in doing so.

6. Before passing any order against the Panchayat, let there shall be one opportunity be given to the Panchayat to put his house in order.

Let this matter be listed on 24.03.2026.

(NIRAL R. MEHTA,J)

NIHAL PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIHAL PATEL(HC02355), ENGLISH STENO GRADE-II, at High Court of Gujarat on 16/03/2026 17:19:49