

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3729 of 2024**

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SATTARBHAI S/O HAJIAHMED BHATTI**Versus****STATE OF GUJARAT & ORS.**

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Appearance:

MR ASHISH M DAGLI(2203) for the Petitioner(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 3,6
MS POOJA CHOUDHARY, AGP for the Respondent(s) No. 1
MR HS MUNSHAW(495) for the Respondent(s) No. 4
MR K B MAGHNANI(9673) for the Respondent(s) No. 7
MR SIRAJ R GORI(2298) for the Respondent(s) No. 5
MR VICKY B MEHTA(5422) for the Respondent(s) No. 7
MR Y J PATEL(3985) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 16/06/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Ridham Patel for learned Advocate Mr. Ashish M. Dagli for the petitioner, learned AGP Ms. Pooja Choudhary for the respondent-State, learned Advocate Mr. Y.J. Patel for the respondent No.2, learned Advocate Mr. Devang Bhatt for learned Advocate Mr. H.S. Munshaw for the respondent No.4, learned Advocate Mr. Siraj R. Gori for the respondent No.5 and learned Advocate Mr. Vicky B. Mehta for the respondent No.7.

2. Affidavit-in-reply tenders by learned Advocate Mr. Mehta for the respondent No.7 is taken on record.

3. The short issue raised in the present petition inter alia being that the petitioner, who is owner and occupier of a Plot No.1 situated at

Revenue Survey No. 101 admeasuring 294.50 Sq. Yards situated at Dhangadra Malvan-Ahmedabad Highway, is aggrieved by a construction put up by the respondent No.7, which is between the highway and the plot of the petitioner. It is also the case of the petitioner that while the petitioner had approached all the concerned authorities for removal of the encroachment, since no action had been taken upon the applications of the petitioner, the petitioner had approached the appropriate authorities the Gujarat Land Grabbing (Prohibition) Act and whereas, even appropriate action under the said statute has not been taken by the respondents.

4. As against the same, learned Advocate Mr. Mehta for the respondent No.7 would contend that the respondent No.7 is owner and occupier of the property in question, more particularly the respondent No.7 has already filed a civil suit before the Competent Court at Dhangadra being Regular Civil Suit No. 358 of 2024 inter alia seeking for not dispossessing the respondent No.7, more particularly on the ground that the respondent No.7 is owner and occupier of the property in question.

5. As against the same, learned AGP Ms. Pooja Choudhary, under instructions of Mr. Dharmendrasingh Bharasingh Parmar, Deputy

Mamlatdar, Dhangadra, District Surendranagar, would submit that the respondent No.7 is an encroacher and whereas the State is contemplating to take appropriate action against the said respondent.

6. Considering the above position, to this Court nothing further is required to be done, except clarifying as follows :

(i) The State to comply with the submissions made by learned AGP Ms. Choudhary and whereas appropriate action shall be taken as expeditiously as possible, but not later than six weeks from the date of receipt of this order.

(ii) It is clarified that the above order shall not be deemed as a declaration by this Court that the respondent No.7 is an encroacher and whereas before taking any steps under the law, the State Authorities shall give appropriate/adequate notice to the respondent No.7 and whereas it would be open for the respondent No. 7 to take appropriate recourse as available under the law.

7. With the above observations and direction, the present petition stands disposed as partly allowed. Direct service is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)