

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2014 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 631 of 2026**

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SHRI JAMNAGAR VISHA OSHWAL ACHALGACHCH JAIN**Versus****THE STATE OF GUJARAT & ANR.**

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Appearance:**MR. VATSAL D. RUPAREL(14194) for the Petitioner(s) No. 1****MS AISHWARYA CHAUDHARY, AGP for the Respondent(s) No. 1****MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 2**

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 11/06/2026****COMMON ORAL ORDER**

1. Heard learned Senior Advocate Mr. R.S. Sanjanwala for learned Advocate Mr. Vatsal D. Ruparel for the petitioner in Special Civil Application No. 2014 of 2026 and learned Advocate Ms. Simran Sheth for the petitioner in Special Civil Application No. 631 of 2016 as well as learned AGP Ms. Aishwarya Chaudhary for the respondent-State and learned Advocate Ms. Sejal K. Mandavia for the respondent-Corporation in both the matters.

2. The issue raised in the petitions is with regard to the selfsame property, the petitioner of Special Civil Application No. 2014 of 2026, being owner and occupant of the property claiming that there were certain changes made in the building for the purpose of strengthening the building and the same was an old building, i.e. more than a century old,

whereas according to the Corporation, the petitioner has carried out unauthorized construction, for which notice under Section 260(1) of the BPMC Act, has been issued and thereafter a final order has been passed.

3. The case of the petitioners in Special Civil Application No. 631 of 2026 being that the building in question is a dilapidated building and it is a hazard to the occupants as well as to the persons who are residing near the said building.

4. It requires to be observed here that initially, upon a notice being issued by the Corporation, the petitioner of Special Civil Application No. 2014 of 2026 having carried out certain repairs for the purpose of strengthening the building, and as of now, it is claimed that the building is safe to the occupants as well as to the neighbours etc.

5. Considering such a position, to this Court, at the first instance, the status of the building needs to be verified by the Corporation Authorities for the purpose of verifying whether the building is safe for its occupants as well as for its neighbours, and whereas the Corporation should also carry out an appropriate inspection, as regards the additional construction, as to whether the same was for the purpose of strengthening the building or whether the same was pure unauthorized construction.

6. Having regard to the same, let the Corporation have such inspection, as observed in the previous paragraph, carried out through its Competent Officers/Engineers within a period of three weeks. Let a report as regards the same be produced before this Court by the next date, i.e. 02.07.2026. The respondent Corporation shall ensure that the petitioners are informed in advance before the inspection etc. is being carried out.

List these matters on 02.07.2026.

BDSONGARA

(NIKHIL S. KARIEL,J)