

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2004 of 2026****CHHAGANBHAI VASTABHAI DABHI & ORS.****Versus****STATE OF GUJARAT & ANR.****Appearance:****MR SHARVIL MAJMUDAR ADVOCATE WITH MR KUSHAL A DESAI(9435) for the
Petitioner(s) No. 1,10,11,12,13,14,2,3,4,5,6,7,8,9****MR UMANG R SHAH(12013) for the Petitioner(s) No.****1,10,11,12,13,14,2,3,4,5,6,7,8,9****GOVERNMENT PLEADER for the Respondent(s) No. 1****CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 13/02/2026****ORAL ORDER**

[1] By way of this petition under Article 226 of the Constitution of India, the petitioners have called in question the legality and the validity of notice dated 9th February 2026 issued by the respondent No.2 – Municipal Corporation Morbi, by which sealing of the premises is scheduled on 16th February 2026.

[2] Heard learned advocate Mr. Sharvil Majmudar assisted by learned advocate Mr. Kushal Desai for the petitioners.

[3] Learned advocate Mr. Majmudar for the petitioners, at the outset, submitted that as such the petitioners are in receipt of notice under Section 260(1) of the Gujarat Provincial Municipal

Corporation Act, 1949 (for short, “the G.P.M.C. Act”), for which necessary proceedings are under contemplation. However, at this stage, grievance raised by the learned advocate for the petitioners is with regard to notice / order dated 9th February 2026, by which the premises of the petitioners are proposed to be sealed by the respondent authority on 16th February 2026 without any authority of law.

[4] Mr. Majmudar further submitted that when the petitioners are in contemplation to justify their construction, the sealing of premises of the petitioners at the instance of the Municipal Corporation Morbi is not only without jurisdiction, but would be harsh in nature.

[5] Considering the aforesaid and having gone through the provisions under Section 260 of the G.P.M.C. Act, *prima facie*, it appears to this Court that under the provisions of Section 260 of the G.P.M.C. Act, it would be within the competence of the Corporation to call upon the person who has carried out the construction in unauthorized manner and after receiving the reply from the concerned person, if the same is found unsatisfactory,

then the Corporation would be further under competence to take action under Section 260(2) of the G.P.M.C. Act, which would include removal, alter and / or pull down the unauthorized construction so made by the person. However, in the entire provisions, there is no whisper about sealing of premises during pendency of the proceedings under Section 260 of the G.P.M.C. Act.

[6] In view of the aforesaid, let Notice for final disposal be issued to the respondents, returnable on 10th March 2026.

[7] In the meantime, by way of an ad-interim relief, it is directed to the Municipal Corporation Morbi not to undertake any sealing of the premises in connection with notice dated 9th February 2026 (at Annexure : L, page : 102 to this petition).

On the returnable date, notify this matter on top of the Board.

Direct service today is permitted.

(NIRAL R. MEHTA,J)

CHANDRESH