

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2199 of 2025**

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AHMEDABAD PARSİ PANCHAYAT

Versus

AHMEDABAD MUNICIPAL CORPORATION & ANR.

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Appearance:

MR. PERCY KAVINA WITH MR JAMSHED KAVINA(11236) for the
Petitioner(s) No. 1

MR. S.H VIRK WITH G H VIRK(7392) for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 19/02/2025****ORAL ORDER**

1. Learned advocate for the petitioner requested for draft amendment. The same is allowed and to be carried out forthwith.

1.1 Learned advocate for the petitioner is permitted to replace the memo of petition.

2. Heard learned Senior advocate Mr. Percy Kavina assisted by learned advocate Mr. Jamshed Kavina for the petitioners.

3. Learned advocate submitted that on account of illegal construction carried out by respondent No. 4, the petitioner had raised its grievance before Municipal

Corporation (Annexure A page 12). Subsequently, it came to knowledge of the petitioner that, the construction carried out is illegal and without any development permission. Construction is done in margin area. However, no action is taken yet which lead the petitioner to file this petition.

4. Learned advocate Mr. S.H Virk for respondents appeared on an advance copy and submitted that for the illegal construction done by respondent No. 4, the Corporation has initiated action by issuance of notice dated 24.12.2024 under Section 267 of the Gujarat Provincial Municipal Corporation Act. A notice dated 1.1.2025 under Section 260(1) was served, followed by order dated 7.1.2025 under Section 260(2). Even the police authority is also informed for protection to carry out demolition.

5. Considering the submissions, issue **Notice returnable on 27.3.2025.**

6. Noticing from the compilation given by learned advocate appearing for Municipal Corporation that the police authority was informed for doing the needful in accordance with law, it is open for the respondent Corporation to make appropriate application before the police authority and once such application is made the

respondent no. 3 is directed to do the needful as expeditiously as possible.

8. Respondent No. 4 is directed to be served through respondent No. 3. Alternative mode by affixture is also permitted.

9. By way of ad-interim relief, respondent No. 4 is directed not to carry out further construction.

10. Direct service is permitted today.

MARY VADAKKAN

(MAUNA M. BHATT,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MARY VINOD ANTHANATTE(HC00204), Principal Pvt. Secretary, at High Court of Gujarat on 19/02/2025 15:12:59