

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2844 of 2026**

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RAJENDRA ALIAS RAJUBHAI JETHANAND LADALA**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR TATTVAM K PATEL(5455) for the Petitioner(s) No. 1****MS POOJA CHOUDHARY ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1****MR SP MAJMUDAR(3456) for the Respondent(s) No. 7,8****MR. HJ KARATHIYA(7012) for the Respondent(s) No. 7,8****NANAVATI & CO.(7105) for the Respondent(s) No. 4,5,6,9****NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3**

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 14/07/2026****ORAL ORDER**

1. Heard learned advocate Mr. Tattvam Patel for the petitioner, learned AGP Ms.Pooja Choudhary for the respondent – State, learned advocate Mr. Maulik Nanavati for respondent No.4, 5, 6 and 9 and learned advocate Mr. H.J.Karathiya for respondent Nos.7 and 8.

2. Learned advocate Mr. Nanavati for the Corporation would submit that in compliance of the earlier directions of this Court, most of the illegal constructions made by respondent Nos.7 and 8 in the premises in question except the staircase,

from the ground floor to the first floor and the lift-well, have been removed. Learned advocate Mr.Nanavati would further submit that as far as impugned order dated 05.02.2026 is concerned, the Corporation would not have any objection if the same is set aside and the Corporation may be permitted to issue a fresh notice to all the parties concerned after inspecting the premises as regards any illegal/unauthorised construction except the staircase and the lift referred to herein above, more particularly, the same being part of the revised development plan and being subject matter of a Civil Suit pending before the learned Civil Court initiated by respondent Nos.7 and 8 herein.

3. Learned advocate Mr.Patel could not dispute that most of the illegal construction have now been demolished. Learned advocate Mr. Karathiya would submit that as far as respondent Nos.7 and 8 are concerned, their only request would be that any action, should be after affording appropriate opportunity to the said respondents.

4. Considering the rival submissions, more particularly, since it appears that the most of the illegal constructions at the premises in question have been demolished by the Corporation, the following directions would meet with the ends of justice.

(i) The impugned order dated 05.02.2026 passed by the respondent – Corporation is hereby quashed and set aside.

(ii) The Corporation, within a week from receipt of this order shall conduct an inspection of the premises in question after giving adequate notice to respondent Nos.7 and 8 as well as to the other occupants of the building and if there is any illegal/unauthorised construction found, carry out joint panchnama and issue appropriate notice under the extant provisions of law to respondent Nos.7 and 8.

5. It is clarified that the above, panchnama would not include the lift-well and the staircase, since they are subject matter of a Civil Suit and whereas the final decision of the Suit shall govern the rights of the parties. If there is any illegal constructions found in the premises, the Corporation shall issue appropriate notice to Respondent Nos.7 and 8 as well as any other occupants of the building and after affording an appropriate opportunity the respondent – Corporation shall take appropriate action in accordance with law. It would be open for respondent Nos.7 and 8, in case of any illegal construction found by the Corporation, to appropriately reply to the notice and/or take appropriate steps for removal of the illegal constructions.

6. With the above observations and directions, the present stands disposed of as partly allowed.

NAIR SMITA V./09-DB

(NIKHIL S. KARIEL,J)