

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3638 of 2026**

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SWETABEN ,WD/O MANOJKUMAR JOSHI

Versus

MODASA MUNICIPALITY & ORS.

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Appearance:

MR HIMANISH J JAPPEE(11295) for the Petitioner(s) No. 1

MS AISHWARYA CHAUDHARY, AGP for the Respondent(s) No. 3,4,5

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 16/03/2026

ORAL ORDER

1. Issue Notice returnable on 27.03.2026. Learned Assistant Government Pleader Ms. Aishwarya Chaudhary waives service of notice on behalf of respondent No. 4.

2. In the meantime, Deputy Commissioner, Municipalities Administration, Gujarat State, Gandhinagar is directed to file reply and state as to how he can consider the grounds which were already taken by the respondents in the first round of litigation which did not weigh with the Court allowing the Special Civil Application No. 18834 of 2025 which was decided on 26.03.2024 by the Co-ordinate Bench of this Court and thereby on the same grounds the petitioner's representation was rejected vide order dated 30.08.2025. Moreover, though

the Court has vide judgment dated 26.03.2024 directed the authority to consider the case of the petitioner on the basis of decisions of the Hon'ble Supreme Court and despite that why the authority has without considering the decisions of the Hon'ble Supreme Court on the same grounds which were not accepted by the Court earlier have rejected the representation made by the petitioner.

3. List the matter immediately after fresh matters.

(NIRZAR S. DESAI,J)

SHRIJIT PILLAI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PILLAI SHRIJIT P(HC01400), PRIVATE SECRETARY, at High Court of Gujarat on 16/03/2026 18:20:57