

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3753 of 2026**

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UTPAL DUKHIRAM DOLAI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MS. DEVAL I. MODI(19346) for the Petitioner(s) No. 1

MR HARDIK SONI, AGP for the Respondent(s) No. 1

MR ANUJ K TRIVEDI(6251) for the Respondent(s) No. 2,3,4

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 22/06/2026**ORAL ORDER**

1. On 09.06.2026, this Court had passed the following order :

“Learned advocate Mr. Trivedi for the respondent Nos. 2 to 4 is present.

Learned advocate for the petitioner is not present when the matter is called out. Record shows that the matter had been listed before this Court on couple of occasions and on all the occasions, learned advocate for the petitioner was not present.

Hence, list on 22.06.2026. On the said date, learned advocate shall make it convenient, failing which appropriate orders shall be passed.”

2. Today, when the matter is called out, learned Advocate for the present petitioner is not present, hence, the present petition is taken up with the assistance of learned AGP Mr. Hardik Soni appearing for the

respondent-State and learned Advocate Mr. Anuj K. Trivedi appearing for the respondents No. 2 to 4.

3. The present petition has been preferred with the following prayers:

“7.A. YOUR LORDSHIPS may be pleased to admit and allow the present petition.

B. Be pleased to order to issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction, directing the respondent authorities i.e. Respondent Nos. 2 to 4 to demolish the illegal and unauthorized construction of the 3 Storey Commercial Building, being constructed, without obtaining any kind of prior permissions or plans being passed;

C. Pending admission hearing and final disposal of this petition, Your Lordships be pleased to STAY the further construction of the 3 Storey Commercial building being constructed without obtaining any kind of prior permissions or plans being passed;

D. Directing the respondents to decide the online application dated 9/4/2025 as early as possible. **(Annexure-B)**

D. Directing the respondents to consider the complaint sent by the petitioner dated 19/9/2025. **(Annexure-D)**

E. Any other or further order that may be deemed fit in the interest of justice and equity be granted.”

4. It appears that the petitioner had approached this Court hereinbefore by preferring Special Civil Application No. 10491 of 2025 and whereas the case of the petitioner being that the respondents No. 2 to 4, were not demolishing an illegal and unauthorized construction of a

three storied commercial building on Final Plot No.00289/1, Ward – Doshiwada's Pole, House No. 181/1, inside Doshiwada's Pole. Modi's Khatki, Mata Wado's Khanchu, Kalupur, Ahmedabad. It was the case of the petitioner before this Court in the earlier round of petition that the respondents No. 5 and 6 therein, i.e. respondents No. 5 and 6 herein, have constructed illegally, a three storied commercial building, without any development permission. It appears that learned Co-ordinate Bench of this Court, where the petitioner had raised the grievance as regards the illegal and unauthorized construction not being demolished and whereas, it appears that the learned Co-ordinate Bench vide order dated 14.08.2025 had inter alia directed as below :

“5. Considering the submissions and noticing that now the cognizance of complaint filed by the petitioner has been taken into consideration by respondent authority, this petition is disposed of directing respondents – AMC to take appropriate action in accordance with law after decision on the application of respondent Nos. 5 and 6 made under the provisions of the Gujarat Regularization of Unauthorized Development Act, 2022.”

5. Today, when the matter is called out, this Court sought for instructions from learned Advocate Mr. Anuj Trivedi for the respondents No. 2 to 4, and whereas learned Advocate Mr. Trivedi would submit that the respondents No. 5 and 6 have submitted an application under the Gujarat Regularization of Unauthorized Development Act, 2022 on

09.04.2025, payment receipt of which, has been placed on record by the petitioner and whereas it is submitted that such an application is under consideration. It is also submitted by the learned Advocate that the present petitioner has submitted an objection to the application preferred by the respondents No. 5 and 6, vide his representation dated 22.08.2025, which is also produced on record. Learned Advocate Mr. Trivedi submits that the respondent authorities will take an appropriate decision on the application preferred by the respondents No. 5 and 6 in accordance with the scheme of the Act and whereas at such point of time, the objection as given by the petitioner shall also be considered appropriately and whereas it is submitted that as such, since the application under the Gujarat Regularization of Unauthorized Development Act, 2022, has not yet been considered, the petition itself is premature.

6. Having considered the submissions made by learned Advocate Mr. Anuj Trivedi, this Court is inclined to accept the same, since it appears that the earlier round of litigation before this Court had been disposed of vide order dated 14.08.2025, whereby the respondent-Corporation, was directed to take appropriate decision in accordance with law, upon an application being made by the respondents No. 5 and 6 under the provisions of the Gujarat Regularization of Unauthorized Development

Act, 2022. Since the said application still pending consideration and since a statement has been made by learned Advocate Mr. Trivedi that as and when said application is being considered, the objection by the present petitioner would also be considered, to this Court it would appear that any cause of action in favour of the petitioner would only arise, after the application under the Gujarat Regularization of Unauthorized Development Act, 2022 is finally decided.

7. Considering such a position, to this Court, the following directions would meet with the ends of justice :

(i) The respondent-Corporation to decide the application of the respondents No. 5 and 6 under the Gujarat Regularization of Unauthorized Development Act, 2022, dated 09.04.2025, in accordance with law.

(ii) The objection of the petitioner dated 22.08.2025 shall also be considered appropriately, when the above referred application is being considered by the respondent authorities.

(iii) It would be open for the petitioner to avail appropriate remedy as per the law as regards the final decision which would be passed by the respondent authorities with regard to the application of the respondents

No. 5 and 6 under the Gujarat Regularization of Unauthorized Development Act, 2022.

8. With the above observations, the petition stands disposed of.

BDSONGARA

(NIKHIL S. KARIEL,J)