

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3639 of 2026
With
CRIMINAL MISC.APPLICATION (FOR VACATING STAY) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 3639 of 2026
With
CRIMINAL MISC.APPLICATION (FOR VACATING INTERIM RELIEF) NO.
2 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 3639 of 2026

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ALTAFBHAI AKBARBHAI VADAVARIYA & ANR.

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR DARSHIT M KAMDAR(11467) for the Applicant(s) No. 1,2
 MR JEET B KARIA(11991) for the Respondent(s) No. 3
 MR KIRTIDEV R DAVE(3267) for the Respondent(s) No. 4
 NOTICE SERVED for the Respondent(s) No. 2
 MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 08/07/2026

ORDER

1. By filing the present petition under Article 226 and 227 of the Constitution of India, the petitioners have challenged the order dated 7.3.2026 passed by the Sub-Divisional Magistrate, Chotila Sub Division, whereby, the conditional order is passed by Sub-Divisional Magistrate to open the road which has been closed by the respondents herein by placing obstruction on the road.

2. The order impugned in the present petition is mainly on the ground that no opportunity of hearing was granted to the petitioners before passing the impugned order.

3. Learned advocates appearing for the respondent Nos.3 and 4 have conceded before this court that the order

impugned in the petition be quashed and set aside and the matter be remanded back to the concerned authorities for deciding afresh after giving opportunity of hearing to the petitioners keeping all rights and contentions of the parties open.

4. Having regard to the aforesaid statements made by learned advocates for the respondent Nos.3 and 4, the petition is hereby allowed. The order impugned in the petition is quashed and set aside and the matter is remanded back to the Sub-Divisional Magistrate, who shall pass an appropriate order in accordance with law, afresh, after giving an opportunity of hearing to the petitioners. It is made clear that all the rights and contentions of both the sides are kept open. The exercise of deciding the matter afresh shall be carried out by the respondent authorities, as expeditiously as possible, preferably within a period of 4 weeks from the date of receipt of the present order.

ORDER IN IAs

Learned advocates appearing for the applicants does not press the present applications in view of the statements made by them in the main petition.

Hence, both the applications are disposed of.

(M. R. MENGDEY,J)

Manshi