

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4793 of 2026**

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DHIRAJLAL BECHARDAS DHAMELIYA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR SATYAM Y CHHAYA(3242) for the Petitioner(s) No. 1

MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1,2,3

MR KAUSHAL D PANDYA(2905) for the Respondent(s) No. 5

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CORAM:**HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 27/04/2026****ORAL ORDER**

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has approached this Court for the following reliefs :

“(A) This Hon’ble Court be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction, and thereby, quashed and set aside the impugned Notification dated 18.9.2025 of sanctioning of the preliminary TP Scheme No.48 (Kholvad) qua Serial No.1 in the table mentioned under Item / Clause No.3 of the schedule of the impugned Notification dated 18.9.2025 at Annexure-M and further be pleased to direct the respondent authorities to allot the final plots admeasuring 15680 sq.mtrs. to the petitioner in tune with the preliminary TP Scheme submitted by the Town Planning Officer under his award declared under Section 52(2) r/w Section 64 of the Act.

(B) During the pendency hearing and final disposal of this petition, this Hon’ble Court be pleased to stay the implementation, execution and operation of the impugned Notification dated 18.9.2025 of sanctioning of

the preliminary TP Scheme No.48 (Kholvad) qua Serial No.1 in the table mentioned under Item / Clause No.3 of the schedule of the impugned Notification dated 17.8.2025 at Annexure-M.

(C) Any other and further reliefs as deemed just and proper looking to the facts of this case, may kindly be granted in favour of the petitioner, in the interest of justice.”

2. Heard learned advocate Mr.Satyam Chhaya for the petitioner, learned AGP Mr.Sahil Trivedi for the respondent Nos.1 to 3 and learned advocate Mr.Kaushal Pandya for the respondent No.5.

3. Learned AGP Mr.Sahil Trivedi for the respondents, at the outset, submitted affidavit-in-reply duly affirmed by one Shri Vivek Kiran Parekh, Senior Town Planner (Legal). Relevant averments of the said reply are quoted, thus;

“5. It is submitted that, the office of answering respondent has received a written representation of the petitioner making averments/objections to the modification made by the State Government while sanctioning the Preliminary Town Planning Scheme. The objections/ representation of the petitioner dated 01.10.2025 is attached herewith and marked as Annexure-R1.

6. The office of answering respondent hereby respectfully submits that, the representation/objections of the petitioner dated 01.10.2025 and any other representation/ objection of the petitioner shall be decided in accordance with law after giving him the opportunity of personal hearing before the competent authority within reasonable time.”

4. In view of the aforesaid candid statement, this Court, without entering into merits of the case, inclined to allow the present petition by quashing and setting aside the impugned Notification dated 18.9.2025 sanctioning the preliminary Town Planning Scheme No.48 (Kholvad) qua Serial No.1 in the title mentioned under Item / Clause (3) of the Schedule of the Notification dated 18.9.2025.

5. Needless to clarify that before passing Notification under Section 65 of the Act, the respondent authorities shall abide by their version as quoted herein-above in Para.5 and 6 and decide the representation of the petitioner in accordance with law.

The present petition is disposed of accordingly.

(NIRAL R. MEHTA,J)

V.J. SATWARA