

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6385 of 2023**

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MADRESA E ISLAMIYA SARVAJANIK TRUST

Versus

BHAVNAGAR MUNICIPAL CORPORATION

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Appearance:

MR RS SANJANWALA SENIOR ADVOCATE WITH MR S M KIKANI(7596)

for the Petitioner(s) No. 1

for the Respondent(s) No. 2

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the

Respondent(s) No. 3

MR HS MUNSHAW(495) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA**Date : 04/05/2023****ORAL ORDER**

[1] Heard learned Senior Advocate Mr. R. S. Sanjanwala assisted by Mr. Rachchh for the petitioner and learned advocate Mr. H. S. Munshaw for the respondents Nos.1 and 2.

[2] Learned Senior Advocate Mr. Sanjanwala, at the outset, submitted that laying the proposed 24 meters wide T.P. road, the major construction of the petitioner's building is going under demolition. He further submitted that as such, on the site itself, today, 21.33 meters wide road is already existing. He further submitted that if minor correction in alignment is made in 24 meters wide T.P. road, a major damage can be salvaged to the present petitioner's building. Relying upon page : 90 map, he

further submitted that the alignment can be changed and the boundary of 24 meters wide T.P. road can be adjusted parallel to the so-called existing canal, in that event, the situation would not be adversarial or prejudicial to any one.

[3] Considering the aforesaid submissions and with a view to have clarity, the respondent No.2 – Town Planning Officer, Bhavnagar is hereby directed to prepare exact available topography along with the measurement and the effect of change in alignment, as suggested by learned Senior Advocate Mr. Sanjanwala and the same shall be placed on record before 5th June 2023 for the consideration of this Court.

[4] Re-list this matter on 5th June 2023.

[5] A copy of this order shall be made available to learned advocate Mr. Munshaw for its onward communication.

Direct service of this order is permitted.

CHANDRESH

(NIRAL R. MEHTA,J)