

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 SR.ADV. WITH MR PREMAL RACHH 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 MS. JUSTICE SANGEETA K. VISHEN

Date : 05/06/2023

ORAL ORDER

1. Mr.R.S. Sanjanwala, learned Senior Counsel appearing with Mr.Premal Rachh, learned advocate for the petitioner submitted that this Court had passed an order dated 04.05.2023, requiring the respondent no.2 to prepare exact available topography along with the measurement and the effect of change in alignment, as suggested by the learned Senior Counsel appearing for the petitioner. It is submitted that apropos which, an affidavit has been filed wherein, it has been stated that the alignment is not possible, considering the fact that there cannot be any construction over the water body situated on the other side of the road. While inviting the attention of this Court to the photographs (page 24, 24-A), it is submitted that clearly, there does not exist any canal and such a stand taken by the respondent - Corporation is nothing but an afterthought inasmuch as, there are no details available as to from where, the canal originates and where it comes. Even otherwise, it

is not possible, in view of the main Bhavnagar – Ghogha road. It is submitted that let there be a contemporaneous record produce by the respondent no.2 to substantiate existence of the canal on the left hand side of the road.

2. Mr.H.S. Munshaw, learned advocate urges for some time, so as to place on record the documents and photographs, substantiating existence of the canal and notification, if any.

3. Let the matter appear on **19.06.2023**.

Hitesh

(SANGEETA K. VISHEN,J)