

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 & ORS.**

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Appearance:**MR R S SANJANWALA, SENIOR ADVOCATE with****S M KIKANI(7596) for the Petitioner(s) No. 1****ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 3****MR HS MUNSHAW(495) for the Respondent(s) No. 1,2**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 24/11/2025****ORAL ORDER**

1. Issue involved in this petition is in relation to the notice dated 31.03.2025 issued under Section 68 r/w Rule 33 of the Gujarat Town Planning and Urban Development Act, 1976 (for short 'the TP Act').

2. Heard learned Senior Advocate Mr. R. S. Sanjanwala for the petitioner. Learned senior advocate submitted that since the petitioners were served with the notice to hand over peaceful vacant possession of their land for development of Town Planning Scheme No. 23 (Tarsamiya) in Revenue Survey No. 117, the petitioners have filed this petition.

2.1 Learned senior advocate submitted that since the notices were issued by respondent No. 1 – Bhavnagar Municipal Corporation being the implementing authority and considering the averments earlier the statement on behalf of respondent No. 1 was made by learned advocate Mr. H. S. Munshaw that no coercive action shall be taken. However, without informing the petitioner and despite having continuation of the statement on behalf of respondent – Corporation, demolition took place on 23.11.2025.

3. Learned advocate Mr. H. S. Munshaw for respondent – Corporation has filed a leave note today.

4. Since the main matter is listed for hearing on 25.11.2025 stand over to 25.11.2025. Status quo is directed to be maintained by parties till tomorrow.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI