

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4197 of 2026**

With
CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2026
In R/SPECIAL CIVIL APPLICATION NO. 4197 of 2026

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KALPESHBHAI SURESHBHAI PATEL

Versus
 STATE OF GUJARAT & ORS.

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Appearance:

MR MA PAREKH(1088) for the Petitioner(s) No. 1
 MR.SUNIL B DAVE(9936) for the Petitioner(s) No. 1
 AISHVARYA(8018) for the Respondent(s) No. 2
 MR ADITYA PATHAK ASSL. GOVERNMENT PLEADER for the
 Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 09/06/2026

ORAL ORDER

1. Heard learned advocate Mr. M. A. Parekh for the petitioner, learned APP Mr. Aditya Pathak for the respondent No.1 – State and learned advocate Mr. Aishvarya for the respondent No.2.

2. The present petition has been preferred with the following prayers:

- “(A) *Your Lordship/s be pleased to admit / allow the present writ petition, in the interest of justice.*
- (B) *Be pleased to quash and set aside the impugned Notice at Ann. A as well as Ann. B, and declare it void-ab initio, forthwith, in the interest of justice as it is perverse in nature & arbitrary and non-application of mind as well;*
- (C) *Your Lordship/s may be pleased to issue a writ of mandamus or a writ of certiorari or any other appropriate writ in the nature of mandamus or order or direction and direct the Resp. No.2 to accept the plan of proposed construction from the petitioner and approve it & grant Development Permission, in view of betterment charges sum of Rs.24,07,000/- paid by the petitioner (receipt thereof is annexed as per Ann. F) for the land*

bearing F.P. No.282+47 which is forming part of S.No.333 paiki of Moje: Thaltej, Ta. Ghatlodia, Dist. Ahmedabad, forthwith, in the interest of justice;

- (D) *Pending admission and final disposal of this petition, this Hon'ble Court may be pleased to restrain the respondents, their men, agents, servants & assignees from demolishing the construction carried out on the F.P. No.282+47 which is forming part of S.No.333 paiki of Moje: Thaltej, Ta. Ghatlodia, Dist. Ahmedabad, forthwith, in the interest of justice;*
- (E) *Pending admission and final disposal of this petition, this Hon'ble Court may be pleased to direct the Resp. No.2 to consider & decide the reply dated 16.3.2026 at Ann. H tendered by the petitioner pursuant to the impugned Show Cause Notice dated 06.03.2026 and 2.3.2026 at Ann. A & Ann. B, forthwith, in the interest of justice.*
- (F) *Any other and further relief/s may kindly be granted in the interest of justice;"*

3. It would appear that the Corporation had issued notices to the petitioner herein for alleged unauthorized construction on final plot No.281 (T.P. Scheme No.38) and final plot No.47 (T.P. Scheme No.39) – AMC reserved plots.

4. Learned advocate Mr. Parekh would submit that the petitioner does not have any right, title and interest over the final plots in question.

5. Learned advocate Ms. Aishvarya would submit that upon the statement of the present petitioner, the petition could be disposed of. If the petitioner has no right, title or interest upon the said final plots, the petitioner could not be saddled with any responsibility as regards any illegal / unauthorized construction on the said final plots.

6. Having regard to the statement made by learned advocate Mr. Parekh for the petitioner, to this Court, the following directions would meet with

the ends of justice:

- (i) The petition stands disposed of.
- (ii) The Corporation is at liberty to take appropriate action as regards final plot No.281 (T.P. Scheme No.38) and final plot No.47 (T.P. Scheme No.39).
- (iii) It is further clarified that in case the petitioner has any grievance with regard to the notice as regards final plot Nos.174 (T.P. Scheme No.38), it would be open for the petitioner to move an appropriate application in accordance with law.

In view of the disposal of the main petition, Civil Application No.1 of 2026 is also disposed of.

Y.N. VYAS

(NIKHIL S. KARIEL,J)