

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4232 of 2026**

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DESAI RONA KUMAR DINUBHAI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR. HARSH M UPADHYAY(17556) for the Petitioner(s) No. 1

MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1,5,6

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 21/03/2026

ORAL ORDER

1. With the permission of the Hon'ble the Chief Justice, the present matter was circulated for urgent consideration through virtual mode, and accordingly, the hearing was conducted online at 5:10 p.m.

2. Leave to amend is granted. The amendment shall be carried out forthwith.

3. Heard learned advocate Mr. Harsh Upadhyay appearing for the petitioner.

4. Learned advocate Mr. Harsh Upadhyay, at the outset, submitted that owing to a scuffle which allegedly occurred

three days prior, the petitioner was called to the police station yesterday for the purpose of inquiry. It is further submitted that thereafter, the petitioner was taken to the office of the Talati-cum-Mantri, Ziliya Gram Panchayat, where the impugned notice dated 20.03.2026 came to be served upon him. It is further submitted that the petitioner was compelled to remain at the police station until about 6:00 p.m., and on the very same day, demolition activities were commenced pursuant to the impugned notice. Hence, the present petition has been circulated for urgent hearing.

5. During the course of hearing, it has been further submitted that the impugned notice issued under Section 105 of the Gujarat Panchayats Act is ex facie vague and has been issued without adherence to the procedure prescribed under the relevant Rules. It is also contended that no reasonable opportunity or time was afforded to the petitioner, either to submit a reply or to approach the Court, which prima facie indicates mala fide on the part of the authorities.

6. In view of the aforesaid, issue Notice to the respondents, returnable on 27.03.2026.

7. In the meantime, all the concerned authorities are directed to maintain status quo as existing as on today.

8. Direct service today is permitted. In addition thereto, the petitioner is also permitted to effect service through Fax, E-mail, and WhatsApp at his own cost.

9. The learned Assistant Government Pleader, Mr. Sahil Trivedi, is requested to communicate this order to the concerned authorities for necessary compliance.

V.J. SATWARA

(NIRAL R. MEHTA,J)