

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5765 of 2026**

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ZALAWADIYA GHANCHI JAMAT TRUST-DHORAJI
Versus
DHORAJI NAGARPALIKA & ANR.

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Appearance:

MS. ALVEERA S KACHARA(11935) for the Petitioner(s) No. 1
MS SHRUTI DHRUVE, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 2
MR DEEP D VYAS(3869) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 23/06/2026

ORAL ORDER

1. Heard learned advocate Ms.Alveera Kachara appearing on behalf of the petitioner, learned advocate Mr.Deep D. Vyas appearing on behalf of the respondent no.1 and learned Assistant Government Pleader Ms.Shruti Dhruve appearing on behalf of the respondent – State.

2. Learned advocate Mr.Kachara, under instructions of the petitioner, would submit that since the respondents have issued a notice inter alia informing the present petitioner that the construction of the present petitioner at City Survey No.3729/29 and 3730/30, the construction in question is stated to be for a purpose different than the development permission as had been granted by the respondent no.1, the

petitioner would not press the present petition with liberty to approach the respondent no.1 for applying for a fresh development permission as per the extant rules and whereas, learned advocate would submit that while the present petitioner is ready to pay any fine or penalty, as imposed by the respondent no.1, and whereas, while the petitioner would be filing such an application within a period of one week from today, the construction may be protected till such time. Learned advocate would also undertaken that the application would be in full compliance of the procedural requirements and the applicant would not keep the matter pending for non-compliance of any of the provisions in question.

3. Learned advocate Mr.Vyas would submit that the respondent may be directed to comply with all the procedural requirements as per the extant provision and whereas, thereafter, the respondent no.1 would take an appropriate decision within four weeks thereafter.

4. Considering the submissions made by learned Counsels for the respective sides, to this Court, it would appear that the following directions would meet with the ends of justice:-

(i) The petitioner to make an appropriate application to respondent no.1 / competent authority and whereas, the said application shall be preferred within a period of one week and the petitioner should ensure that all procedural compliances shall be appropriately taken care of within a period of two weeks thereafter.

(ii) Upon the application being preferred, and all the procedural compliance being carried out, the respondent no.1 or the appropriate / competent authority shall decide the said application in accordance with law within a period of four weeks thereafter.

(iii) Till the application of the petitioner is finally decided and for a period of one week thereafter, the construction of the petitioner shall not be disturbed by the respondents and whereas, it is also directed that the petitioner shall also not use the premises till such period.

5. With these observations and directions, the present petition stands disposed of. It is clarified that this Court has not gone into the merits of the issue and whereas, the respondent authorities, to whom the application shall be

made, shall take an appropriate decision strictly in accordance with law.

Bhoomi

(NIKHIL S. KARIEL,J)