

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022****In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2024****In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2022****In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022**

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RAS-RAJESHWAR COOPERATIVE HOUSING SOCIETY LTD.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**DHARA P BHATT(7530) for the Petitioner(s) No. 1****MR. PARTH H BHATT(6381) for the Petitioner(s) No. 1****DS AFF.NOT FILED (R) for the Respondent(s) No. 4****GOVERNMENT PLEADER for the Respondent(s) No. 1****MR DEEP D VYAS(3869) for the Respondent(s) No. 2****MR RUTUL P DESAI(6498) for the Respondent(s) No. 3****MR YATIN SONI(868) for the Respondent(s) No. 6,7****MS TEJAL A VASHI(2704) for the Respondent(s) No. 8****MS. KITTY S MEHTA(7025) for the Respondent(s) No. 5**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 22/04/2025****ORAL ORDER**

1. Learned advocate Mr.Parth Bhatt for the petitioner submitted that the issue in this petition is in relation to redevelopment of 59 years old building. The building is in such a dilapidated condition that it may not withstand upcoming monsoon. Despite that, objections are raised by respondent No.3, who is sole person residing in the subject premises, the process of redevelopment could not get initiated because of his objection. On account of respondent No.3 residing in the subject premises, other majority members of

the society, who are in favour of redevelopment are not getting the benefits of transit allowances, which causes monetary loss to them. Objections are not serious in nature and therefore, on objections raised by the respondent No.3, process of redevelopment may not be permitted to be stalled. Further on account of sick note/leave note filed by the objecting respondents, the matter could not be proceeded with and it would frustrate the purpose of filing of this petition.

2. Opposing the present petition, learned Senior Counsel Mr.Prashant Desai for learned advocate Mr.Ritul Desai for respondent No.3 submitted that stay is granted not to dispossess respondent No.3. Despite filing this petition, the society has not taken any steps to vacate the stay granted by competent court of law. Main objection of respondent No.3 is with regard to procedure being not followed.

3. It is noticed that earlier also, requests were made for seeking urgent hearing of this matter on the ground of dilapidated condition of the subject premises, despite that, the matter could not be taken due to paucity of time. Today, since it is not convenient to learned advocate Mr.Ritul Desai for respondent No.3, the matter is adjourned to 16.06.2025. On that day, if for any reason it is not convenient to learned advocate for respondent No.3, alternative arrangement shall have to be made so that the matter can be proceeded further.

(MAUNA M. BHATT,J)

DIPTI PATEL