

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6453 of 2025**

AISHABAI HANIF SODHA

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR PRATIK Y JASANI(5325) for the Petitioner(s) No. 1

MR NIKUNJ KANARA, AGP for the Respondent(s) No. 1,2,3

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 07/05/2025****ORAL ORDER**

1. Heard learned Advocate Mr. Pratik Jasani on behalf of the petitioner and learned Assistant Government Pleader Mr. Nikunj Kanara on behalf of respondent- State.

2. By way of this petition, the petitioner challenges notice dated __04.2025 issued by the Mamlatdar, Bhuj (City) whereby the petitioner has been called upon to furnish appropriate details with regard to the ownership of the petitioner on the land upon which the residential premise of the petitioner is situated. The petitioner is further informed that in case the petitioner is not able to produce appropriate proof within a period of three days then action for removing the encroachment would be taken within a period of three days.

3. Considering the submission made by learned Advocate Mr. Jasani

and having perused the documents on record including the impugned notice it would appear to this Court that the notice does not specify the provision under which it has been issued. It would also appear to this Court that before an encroachment is removed by exercising powers under the Gujarat Land Revenue Code appropriate procedure under Section 61 followed by procedure under Section 202 would have to be undertaken by the State Authorities.

4. Learned AGP Mr. Kanara could not dispute such a proposition.
5. Having regard to such a situation, since the notice does not specify the provision of law under which it is issued and since it appears that the procedure under Section 61 has not been undertaken the impugned notice requires to be interfered with. At the request of learned AGP appropriate liberty is also required to be granted to the State Authorities to initiate proceedings afresh in accordance with law.
6. Having regard to the above observations, the following directions are passed:

[1] Impugned notice dated __ 04.2025 is quashed and set aside.

[2] Liberty is reserved in favour of the State Authorities to

initiate appropriate proceedings under appropriate provision of law for removing the alleged encroachment.

[3] It is clarified that this Court has not gone into the merits of the matter and whereas the authorities concerned are at liberty to take appropriate action strictly in accordance with law.

7. With the above observations and directions, the present petition stands disposed of. Direct service is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 07/05/2025 18:18:17