

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8571 of 2020**

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H.S. CONSTRUCTION THROUGH ITS PROPRIETOR YUSUF HAJIBHAI
GHANCHI

Versus

AHMEDABAD MUNICIPAL CORPORATION

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Appearance:

MR AJ YAGNIK(1372) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN

Date : 23/07/2020

ORAL ORDER

Heard Mr. A.J.Yagnik, learned advocate for the petitioner. He has submitted that the petitioner has submitted the Plan on 11.11.2019 and has paid the requisite fees of Rs.3,44,000/- (Rupees Three Lac Forty Four Thousand Only). Thereafter, the respondent – Corporation is required to take appropriate decision either to sanction or reject the Plan within a period of 30 days, during which, no decision was taken and even thereafter, within the extended period of 30 days i.e. in all within 60 days no decision on Plan submitted by the petitioner has been taken by respondent – Corporation. Therefore, the Plan is deemed to have been sanctioned.

Mr. A.J.Yagnik, learned advocate for the petitioner has further submitted that the petitioner is ready and willing to deposit the amount of penalty. He has further submitted that if the petitioner is not protected and construction is

demolished, present petition would become infructuous. Hence, the petitioner is required to be protected.

Having heard learned advocate for the petitioner and considering the facts and circumstances of the case, I am of the opinion that the matter requires consideration and the petitioner is required to be protected. Hence, the following order is passed:

Notice returnable on **13.08.2020**. In the meantime, parties are directed to maintain status quo with respect to the property in question.

Direct service is permitted, to be served through Email.

(RAJENDRA M. SAREEN,J)

MOHMMEDSHAHID