

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5817 of 2026**

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BHAVESHBHAI AMARSHIBHAI RAMPARIA LEGAL HEIR OF
RADIYATHBEN AMARSHI RAMPARIA & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

LEEN K DAVE(9559) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,32,
33,34,35,36,37,38,39,4,40,41,42,43,44,5,6,7,8,9

GOVERNMENT PLEADER for the Respondent(s) No. 1

MR RITURAJ M MEENA(3224) for the Respondent(s) No. 2,3,4

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 08/05/2026

ORAL ORDER

1. By way of this petition under Article 226 of the Constitution of India, the petitioners have called in question the legality and validity of the notice dated 20.05.2021 issued under the provisions of Section 260 (1) (a) of the BPMC Act.

2. Heard learned advocate Ms. Kruti Shah with learned advocate Mr. Leen Dave for the petitioners and learned advocate Mr. Rituraj Meena for the respondent Nos.2, 3 and 4 on advanced copy.

3. Learned advocate Ms. Shah for the petitioners, at the

outset, placed heavy reliance on the provisions of Section 260 of the BPMC Act to contend that the notice itself is illegal being without jurisdiction. Learned advocate Ms. Shah submitted that the petitioners are having the sheds on the property in question and there is no erection of any building as envisaged under the provisions of the Act. According to learned advocate, the provisions of Section 260 thereby, has been misapplied. To substantiate the aforesaid, learned advocate further relied upon the impugned notice, wherein the authority itself has referred the structure as a temporary one.

4. Considering the aforesaid submissions and considering the provisions of Section 260 of the BPMC Act, the petitioner has made out prima facie case, issue Notice, returnable on 29.06.2026. In the meantime there shall be an ad interim relief in terms of Para 8 (D) and (E), subject to all the petitioners file undertaking before this Court that the property in question shall not be put under commercial use and the same shall only be used for residential purpose.

NIHAL PATEL

(NIRAL R. MEHTA,J)