

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9761 of 2020**

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MOHAMMED AMIN ABDUL RAZAK POPATIYA
Versus
STATE OF GUJARAT

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Appearance:

MR SALIM M SAIYED(5172) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 24/08/2020

ORAL ORDER

1. Heard Mr. Salim Saiyed, learned advocate for the petitioner through video conference.

2. Mr. Saiyed, learned advocate for the petitioner submitted that the industrial plot was belonging to a partnership firm, namely, Magnum Infrastructure LLP, who sold it to the petitioner by way of executing a registered deed dated 9.3.2018. It is submitted that thereafter, the learned Charity Commissioner, Gujarat State, Ahmedabad, passed orders dated 7.1.2020 in Suo Motu Revision Numbers 1 of 2020 and 3 of 2020, which orders were challenged before this court by way of filing a writ petition being Special Civil Application No.6537 of 2020. It is submitted that in the said writ petition, the following prayer 8(D) has been prayed:-

“8(D) Pending admission, hearing and final disposal of this petition, Your Lordships may be pleased to stay the execution, implementation and operation of both the orders dated 7.1.2020 passed in suo – motu revision number – 1/2020 and 3/2020 by the learned charity Commissioner, Gujarat state, Ahmedabad and also the notice dated 19.12.2019 issued by Ahmedabad Municipal Corporation.”

3. It is submitted that thereafter, this court, was kind enough to pass the order dated 18.3.2020, issuing notice. This court, has also extended

interim protection in terms of paragraph 8(D). It is submitted that after passing of the order dated 18.3.2020 by this court in Special Civil Application No.6537 of 2020, staying the execution, implementation and operation of the orders, both dated 7.1.2020 passed by the learned Charity Commissioner, the respondent Corporation has issued notices, calling upon the erstwhile owners to remove the shed. It is submitted that even otherwise, for putting up the shed, no permission is required.

4. It is next submitted that the reply dated 7.7.2020 was submitted by Magnum Infrastructure LLP to the Municipal Commissioner of the respondent Corporation, however, the reply has not been considered and ultimately, the notice dated 15.7.2020, has been issued, requiring the erstwhile owners to remove the shed. It is submitted that though this court has passed the order dated 18.3.2020, the petitioner is apprehending that the respondent Corporation may at any time come and remove the shed.

5. Issue **notice**, returnable on 7.9.2020.

6. In the meantime, there shall be status quo.

7. Direct service, is permitted.

(SANGEETA K. VISHEN,J)

BINOY/RAVI P. PATEL