

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6641 of 2025****HEMANGBHAI UDAYBHAI BHATT****Versus****STATE OF GUJARAT & ORS.****Appearance:****MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1****MR G H VIRK(7392) for the Respondent(s) No. 2,3****MR ROHAN RAVAL AGP for the Respondent(s) No. 1****MR SIMRANJITSINGH H VIRK(11607) with MR JAGRAT SHAH for the Respondent(s) No. 2,3****CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT****Date : 08/05/2025****ORAL ORDER**

1. This petition is filed seeking to direct respondent authorities more particularly, respondent No.3 to decide the application/representation dated 24.03.2025 (Annexure I) within stipulated time.

2. Heard learned senior advocate Mr. Dhaval Vyas assisted by learned advocate Mr.Nishit Gandhi for the petitioner. Learned senior advocate submitted that the issue involved in this petition is in relation to ongoing construction by respondent No.4 on Revenue Survey No. 582/p/1 (Old Revenue Survey No.602/A) Final Plot No.94 of village : Kathwada. Learned senior advocate submitted that title of the land in

question is in dispute and for same, multiple proceedings are pending. However, it is case of the petitioner that for ongoing construction on Revenue Survey No. 582/p/1 (Old Revenue Survey No.602/A) Final Plot No.94 of village : Kathwada, no development permission is with respondent No.4. Therefore, respondent No.3 on this ground may be directed to decide the representation of the petitioner.

3. Learned advocate Mr. S.H.Virk for the respondent – Corporation submitted that this petition is misconceived since it is filed to resolve private dispute between the petitioner and respondent No.4. Moreover, the land in question i.e. Revenue Survey No. 582/p/1 (Old Revenue Survey No.602/A) Final Plot No.94 of village : Kathwada, is in ownership of one Mr. Maganbhai Ramani which is evident from 7/12 extract, where the petitioner is not concerned. Moreover, balance portion of Block No.582 is in possession of Municipal Corporation, which is also evident from the 7/12 extract, therefore, the petition may be rejected as it is filed without having any locus. Learned advocate also pointed out that in representation annexed with petition, no photograph of ongoing construction has been filed, and it appears to be site office of the developer. Thus, the petition under Article 226 of the Constitution may not be preferred resolving the private dispute.

4. Considered the submissions and the documents on record. For the title of the land in question, particularly Revenue Survey No. 582/p/1 (Old Revenue Survey No.602/A) Final Plot No.94 of village : Kathwada, as submitted by learned senior advocate Mr. Vyas there are multiple proceedings pending. The only grievance which this Court noticed is the construction on Revenue Survey No.602/A Final Plot No.94 of village Kathwada without any development permission. Therefore, the Corporation is directed to look into the matter to see that no construction be permitted without due development permission. The respondents are directed to look in to the same.

5. With this, petition is disposed of.

(MAUNA M. BHATT,J)

NAIR SMITA V./12

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 12/05/2025 12:21:10