

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6879 of 2026**

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RAJANBHAI RAMAVTAR AGRAWAL

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR. MITUL K SHELAT SENIOR ADVOCATE with MR YV VAGHELA(2450)
for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1

MR RB THAKOR(6743) for the Respondent(s) No. 2,3,4

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CORAM: **HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 07/05/2026****ORAL ORDER**

1. By way of this petition, the petitioner has assailed the order dated 20.04.2026 passed by the District Development Officer Banaskantha, by which the District Development Officer Banaskantha, has held that it has jurisdiction to carry out proceedings under Section 57 (1) of the Gujarat Panchayats Act, against the present petitioner.

2. At the outset, it is pertinent to note that the petitioner had approached this Court, challenging the show-cause notice issued by the District Development Officer Banaskantha, under Section 57 of the Gujarat Panchayats Act, by way of Special Civil Application No.4172/2026 on the ground of jurisdiction. It was the case of the petitioner that the so called alleged unauthorized water connection was obtained in the year 2007

and at that time the petitioner was not in a body of Panchayat. Further, against such so called unauthorized water connection, there was a notice issued, however, the same was challenged before the Appeal Committee of District Panchayat under Section 242, wherein vide order dated 03.06.2008, the said show-cause notice has been stayed. According to the petitioner, the said appeal is still pending. Another ground that was raised before this Court was with regard to applicability of provisions of Section 57 (1) of the Act, inasmuch as at the time when connection was installed, the petitioner was not a member of a Panchayat and thereby, the act of getting the so called illegal connection was not in misuse of his powers.

3. This Court, however, for deciding the issues as raised by the petitioner hereinabove, relegated the petitioner before the District Development Officer Banaskantha, by way of raising the said issues as a preliminary issues and directed the District Development Officer, Banaskantha, to decide the same by way of a separate reason order.

4. Thereafter, the petitioner appears to have appeared before the District Development Officer and raised preliminary objections and/or disputing the jurisdiction by way of detailed submissions dated 06.04.2026 and 04.04.2026. The same are

produced at Page No.32 and Page No.44. The District Development Officer, Banaskantha, however, vide its order dated 20.04.2026 held that it has jurisdiction to proceed further under Section 57 of the Act.

5. Considering the impugned order, prima facie, this Court feels that the District Development Officer, Banaskantha, has not exercised his quasi-judicial authority while deciding the issue of jurisdiction as expected by this Court by order dated 24.03.2026. On perusal of the said impugned order, the District Development Officer, Banaskantha, appears to have proceeded on the basis of an allegation that the water connection was unauthorized, however, failed to consider the factual as well as legal submissions and the same are not being incorporated in its order.

6. Considering the aforesaid, let there shall be Notice to the respondents, returnable on 11.06.2026. In the meantime, there shall be ad interim relief in terms of Para 8 (D). Learned advocate Mr. R B Thakor waives service of notice for the respondent Nos. 2, 3 and 4.

Direct Service is permitted.

(NIRAL R. MEHTA,J)

NIHAL PATEL