

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7762 of
2025**

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HUSEN ZOEBBHAI BHARMAL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR HRIDAY BUCH WITH MR. ZALAK B PIPALIA(6161) for the
Applicant(s) No. 1
MS JYOTI BHATT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 30/05/2025****ORAL ORDER**

Learned advocate Mr. Hriday Buch assisted by
learned advocate Mr. Zalak B. Pipalia for the
petitioner has tendered a scanned copy of an
affidavit-cum-undertaking on behalf of the
petitioner, which provides as under:

"1. I undertake that the hotel building
situated at plot no.5 to 11 paiki of survey
no.68 paiki of village Varvala, taluka Dwarka,
District Devbhoomi Dwarka will not be operated
until the competent authority under the Fire
Act grants NOC. I state that the Respondent
no.2 may only open the seal for the limited
purpose of inspection of the hotel building by
the officers of the fire department for
carrying out inspection necessary for the grant
of NOC.

2. I further undertake that the hotel will

also not be made operational until the competent authority grants permission of change of user of land which is pending."

The scanned copy of the affidavit-cum-undertaking of the petitioner is ordered to be taken on record. The petitioner is permitted to submit original affidavit-cum-undertaking of the petitioner before the Registry on or before 02.06.2025. Registry to accept the same. Learned advocate Mr. Buch submits that petitioner is ready and willing to comply with the aforesaid undertaking in its true perspective.

The petitioner is directed to comply with the aforesaid undertaking scrupulously.

In view of the aforesaid, issue **notice** to the respondents, making it returnable on **10.06.2025**. Learned APP waives service of notice qua respondent No.1 - State.

In the meantime, the respondents are directed not to demolish the construction already carried out over the suit property. Direct service permitted.

(VIMAL K. VYAS, J)

LAVKUMAR J JANI