

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16832 of 2012****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2016****In R/SPECIAL CIVIL APPLICATION NO. 16832 of 2012****With****CIVIL APPLICATION (FOR DIRECTION) NO. 3 of 2016****In R/SPECIAL CIVIL APPLICATION NO. 16832 of 2012**

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ISHAMUDDIN UMAR GODAL & ORS.**Versus****MANAGING DIRECTOR & ORS.**

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Appearance:**DECEASED LITIGANT for the Petitioner(s) No. 1****MR NIRAV R MISHRA(6140) for the Petitioner(s) No. 1,1.1,1.2,1.3****MS. HETAL PATEL, AGP for the Respondent(s) No. 3****MR CHINMAY M GANDHI(3979) for the Respondent(s) No. 1****RULE SERVED for the Respondent(s) No. 2,3,5**

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE D.N. RAY****Date : 08/07/2026****ORAL JUDGMENT****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. Mr. Nirav R. Mishra learned advocate for the petitioners would submit that this petition, though has been tagged with the Letters Patent Appeal No.985 of 2013, in view of the issues raised therein, but it would be appropriate that it is decided separately. We therefore delink Special Civil Application No. 16832 of 2012 from the leading Letters Patent Appeal No. 985 of 2013 and the same is being decided finally by this order.

2. It is submitted that one of the petitioners herein, namely petitioner No. 1.1, as per the information received by him, is not alive. However, no one has approached him to file the substitution application. Moreover, he represents petitioner Nos. 1.2 and 1.3, who have not contacted him for a long time in spite of repeated communications sent to them.

3. Be that as it may, the present petition has been filed with the prayers originally made as under:-

“(A) YOUR LORDSHIPS may be pleased to issue a writ of certiorari and or writ in the nature of certiorari and / or writ of mandamus and/or writ in the nature of mandamus and / or any other appropriate writ, order or direction under Article 226 of the Constitution of India and hold and declare that the action and non-action of the respondents authorities in not allotting the plot to the present petitioner in pursuance to their old application dated 2-2-1994 at Annexure-c and in their compliance to the letter dated 25-06-2010 for allotment of commercial plot to the petitioner is arbitrary, illegal, violative of Article 14, 16, 21 and 300-A of the Constitution of India;

(B) YOUR LORDSHIPS may be pleased to hold and declare that the petitioner is entitled for the allotment of plot of approximately admeasuring 1500 Square Meters in pursuance to the relevant circulars dated 1-11-1993 and 29-4-1995 and their application dated 2-2-1994 and their further compliance on 25-6-2010;

(C) YOUR LORDSHIPS may be pleased to direct the respondents GIDC Corporation to allot suitable commercial plot in the commercial zone of Vapi GIDC Estate preferably admeasuring 1500 Square Meters at the price of commercial plot at the old rate prevalent at the time and year 1994 and /or to allot the plot to the present petitioner in pursuance and

in accordance with the rates prevailing in the year 1994 and in compliance to the circulars dated 1-11-1993 and 29-4-1995;

(D) Pending admission, hearing and final disposal of this petition, YOUR LORDSHIPS may be pleased to restrain the respondents GIDC Authorities not to allot any plot approximately admeasuring 1500 Square Meters for commercial purpose to any other person or commercial entity and or any company situated at GIDC Vapi Industrial Estate;

(E) Pending admission, hearing and final disposal of this petition, YOUR LORDSHIPS pleased may be please to grant ad interim injunction ex parte in terms of Para 17 (D) herein above;

(F) Any other and further relief/s deem fit, just and proper may kindly be granted by this Hon'ble Court in the interest of justice."

4. By means of the amendment brought under the order of this Court, the following prayers have been added:-

"23(CC) Your Lordship may be pleased to hold and declare that the Communications orders dated 17.06.2016 and 01.07.2016 made by the Respondent GIDC is illegal, arbitrary, vindictive and malafide in nature, the same are coercive in nature and accordingly Your Lordships may be pleased to further direct the Respondent GIDC to grant/allot the present petitioners the commercial plot admeasuring around 1216.42 Sq. meters at the ratio of 3.5% of 8.59 Acre of acquisitioned land or more than at the prevalent from the price of the year 1994.

23 (DD): Your Lordships may be pleased to hold and declare that the Communications orders dated 17.06.2016 and 01.07.2016 are vindictive and coercive in nature and bad in eye of law qua quantifying only 50 Sq. meters of the land to the petitioners which is contrary to the Resolution of Respondent GIDC dated 26.06.2002 and with that of Circulars dated 01.11.1993 and 29.04.1995 and accordingly Your Lordships may be pleased to direct the Respondent GIDC to allot more land to substantiate the loss from the date of acquisition of the land and to compensate in terms of

money with interest of Bank rate prevalent from time to time."

5. The petitioners are admittedly landloser and as per the scheme of GIDC for rehabilitation of landlosers, they were entitled to allotment of commercial plots within the premises of GIDC at Vapi. It is contended that the GIDC, though issued an advertisement in the year 1993 inviting applications from landlosers for allotment for rehabilitation, but the applications moved by the petitioners on 02.02.1994 were not considered on the ground of delay in approaching the GIDC.

6. The petitioners then filed several representations, however, when nothing was done, the present petition has been filed in the year 2012, seeking direction in the nature of mandamus commanding the GIDC to allot plots pursuant to the relevant Circulars dated 01.11.1993 and 29.04.1995, on the application dated 02.02.1994 filed by the petitioners.

7. Learned Counsel for the petitioners further invited attention of the Court to the judgment and order dated 27.06.2012 passed by this Court in a similar set of dispute raised by another set of landloser of District Vapi, wherein

this Court had observed in Paragraph Nos. 7 and 8 as under:-

“(7) Considering the order dated 14.09.2001 passed by this Court in Special Civil Application Nos.7430 of 1999 with 7431 of 1999 the land loser cannot be denied his legitimate claim over the commercial plot only on the ground of delay in filing the application. It is no doubt true that on a pragmatic view taken by the GIDC in earlier case on the statement made on behalf of the GIDC and on the basis of such statement the GIDC was directed to consider the case of the petitioners of the aforesaid two petitions. However, the facts remain that the case of the petitioner is similarly situated, if not identical to the case of the petitioners of Special Civil Application Nos.7430 of 1999 with 7431 of 1999.

(8) Considering these vital facts, interest of justice would be served if the GIDC is directed to decide the application of the present petitioner de novo and consider the case of the petitioner in light of the earlier decision passed by this Court dated 14.09.2001 in Special Civil Application Nos.7430 of 1999 with 7431 of 1999, as noted hereinabove. Hence, it is hereby directed that as the issue is pending since 2000, the GIDC shall consider the same in the light of the directions issued by this Court in order dated 14.09.2001 in Special Civil Application Nos.7430 of 1999 with 7431 of 1999, as expeditiously as possible, latest by 30.09.2012.”

8. Based on the above, it is submitted by Mr. Mishra that the plea of GIDC for rejection of the claim of the petitioners on the ground of delay is not entertainable.

9. Moreover, by means of the communications dated 17.06.2016 and 01.07.2016 sent by the GIDC during the pendency of the present writ petition, the allotment of Commercial Plot bearing Nos. C5/71+72+73/21 admeasuring

approximately 49.97 sq. mtrs. has been made in favour of the petitioners subject to the production of documents in the office of GIDC, such as consent letter, affidavit, Pedhinama, etc. The copy of the communication dated 01.07.2016 at Page No. '110' of the writ petition is evidence of the said fact.

10. The petitioners has also challenged the communication dated 01.07.2016 for allotment of Commercial Plot as aforesaid, which was subject to the production of the relevant papers, and have not taken possession of the allotted plots so far, as admitted by both the learned Counsels for the parties.

11. In view of the above, in our considered opinion, the petitioners are entitled to allotment of Commercial Plot as per the policy of the GIDC prevailing in the year 1993-1995, as intimated vide communication dated 01.07.2016. We, however, do not find any substance in the challenge to the said allotment on the ground of the subsequent policy of 2002, as asserted by the learned Counsel for the petitioners.

12. We further need to record the statement of Mr.

Chinmay Gandhi, learned advocate for the respondent-GIDC, based upon the telephonic instructions received by him that the plots allotted to the petitioners vide communication dated 01.07.2016 are still vacant and available for transfer of possession, provided the petitioners fulfill the requirements of submission of relevant papers, as stated therein.

13. It is also submitted by the learned Counsel for the GIDC that for the time elapsed during the pendency of the present petition, there would be a requirement to seek approval/sanction/permission from the Head Office of the GIDC.

14. In view of the above, having found that there is no substance in the submission of the learned Counsel for the petitioners to sustain the challenge to the communication dated 01.07.2016 whereby commercial plot bearing Nos. C5/71+72+73/21 admeasuring 49.97 sq. mtrs. has been allotted to the petitioners during pendency of the present petition, we dispose of the present petition with the directions as under:-

The petitioners shall approach the office of GIDC by writing a representation along with the copy of this order within a period of four weeks from today. In case such a representation is filed, the Regional Manager, GIDC, Vapi, District Valsad, shall be required to intimate the petitioners of the requirements to be fulfilled by them for completion of the process of allotment of the plots offered in the communication dated 01.07.2016 of the GIDC. On completion of such formalities, i.e., submission of the documents required by GIDC, the aforesaid plots offered by GIDC shall be duly allotted to the petitioners. However, in case of non-appearance of the petitioners before the GIDC, it would be open for it to deal with the plots in question, in accordance with law.

15. Mr. Nirav R. Mishra, learned advocate, would submit that he will make an effort to intimate this order to the surviving petitioners Nos. 1.2 & 1.3. Consequently, the connected Civil Applications stand disposed of

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BINA SHAH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: BINA A SHAH(HC00353), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 14/07/2026 11:02:28