

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 8133 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 8135 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 8136 of 2026**

=====

**HANIF HASAN KHALIFA****Versus****STATE OF GUJARAT & ORS.**

=====

**Appearance:****KUSHAL A DESAI(9435) for the Petitioner(s) No. 1****MR. ISHAN VARYANI(18421) for the Petitioner(s) No. 1****MR ADITYA PATHAK, ASST. GOVERNMENT PLEADER for the**  
**Respondent(s) No. 1**

=====

**CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 16/06/2026****ORAL ORDER**

1. Heard learned advocate Mr. Kushal Desai for the petitioner and learned Assistant Government Pleader Mr. Aditya Pathak for the respondent – State.

2. Considering the submissions made by learned advocate Mr. Desai upon instruction, prima facie it appears that the respondent – Panchayat had issued a notice to the petitioners, more particularly, with regard to an alleged encroachment under Section 105 of the Gujarat Panchayat Act and whereas, while the petitioners had responded thereto, the Panchayat, vide a resolution dated 05.06.2026 had taken a decision that notices issued for demolition is cancelled and the decision as regards demolition was kept in abeyance. It is submitted by

learned advocate Mr. Desai that though such a resolution has been passed by the Panchayat yet, today, the Panchayat authorities, have initiated steps for demolition and whereas, the staff of the Panchayat along with equipments, have reached the alleged encroached areas of the present petitioners, more particularly, with a view to demolish the same.

3. Considering the same, it would appear that having taken a decision that the Panchayat would not be acting upon the earlier decision to take action against the alleged encroachments, and whereas since it appears that now the proposed demolition being against their own resolution, at the first instance, issue **Notice to the respondents returnable on 19.06.2026.**

3.1. By way of ad-interim relief, the demolition activities initiated by respondent No.3 - Panchayat qua the petitioners shall remain stayed. Direct service **today** is permitted.

Bhoomi

**(NIKHIL S. KARIEL,J)**