

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8839 of 2025**

=====

HITESHBHAI POPATBHAI HALVADIYA**Versus****STATE OF GUJARAT & ORS.**

=====

Appearance:**MR.AKASH J PANDYA(7206) for the Petitioner(s) No. 1****MR.AMIT R JOSHI(6682) for the Petitioner(s) No. 1****GOVERNMENT PLEADER for the Respondent(s) No. 1****MR. MN MARFATIA(6930) for the Respondent(s) No. 2,3**

=====

CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 16/07/2025****ORAL ORDER**

1. Learned advocate Mr. Amit Joshi for the petitioner submitted that the notice under Section 260(1) of the Gujarat Provincial Municipal Corporation Act, 1949 (“GPMC Act” for short) was given on 16.09.2022. The said notice does not refer any details of the premises and issued in the name of Mahesh Prajapati. Thereafter, another notice dated 21.03.2025 (Annexure- C page 19) was issued in the name of Mahesh Prajapati and in the said notice also property details were not mentioned. Vide notice dated 21.03.2025, the petitioner was directed to remain present for hearing with certain documents. Learned Advocate for the petitioner submitted since Mahesh

Prajapati is not residing in the premises for which notice dated 16.09.2022, and 21.03.2025 were issued, the petitioner filed his response pointing out these facts. Ignoring that an order dated 10.01.2023, under Section 260(2) of G.P.M.C. Act was passed in name of Mahesh Prajapati having address as next to Bhavani Roadways, Gondal by-pass, Near RTO, Rajkot. Since Mahesh Prajapati is not residing at the address, a detail representation dated 05.06.2025 was made pointing out the irregularities, despite that representation was decided by an order dated 10.06.2025 without dealing with above aspect. In the order dated 10.06.2025, it was stated that the name has been corrected and the notice are appropriately issued. Further, from the decision it is evident that the address referred in the order dated 10.06.2025, is different then the address referred in the order dated 10.01.2023(page 20) and order dated 21.03.2025(page 19) passed under Section 260(2) of the G.P.M.C Act.

2. On above facts, learned advocate for the petitioner is permitted to challenge the order dated 10.06.2025 by filing amendment.

3. This Court is surprised that an officer of a Cadre of Assistant Town Planner of Rajkot Municipal Corporation is

issuing such wage notice and also deciding the representation without dealing with contentions raised. Assistant Town Planner of Rajkot Municipal Corporation is therefore, directed to explain by filing affidavit as to why the notice was served without providing the details and in the name of Mahesh Prajapati. Respondent No.2 is also directed to take cognizance of the same.

4. Stand over to 02.09.2025.

(MAUNA M. BHATT,J)

NAIR SMITA V./SB-II