

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8712 of 2026**

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ANSARI M. IKBAL ALIHUSEN & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

A S TIMBALIA(7372) for the Petitioner(s) No.
1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,3,4,5,6,7,8,9
MR NIRAV C SANGHAVI(5950) for the Petitioner(s) No.
1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,3,4,5,6,7,8,9
MR GRUSHARAN H. VIRK, GOVERNMENT PLEADER for the
Respondent(s) No. 1,17,18,19,20
MR KAMAL TRIVEDI, ADVOCATE GENERAL WITH MR RITURAJ M
MEENA(3224) for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 29/06/2026
ORAL ORDER

1. Heard learned Senior Advocate Ms. Trusha Patel with learned Advocate Mr. Nirav Sanghavi and learned Advocate Mr. A.S. Timbalia for the petitioners, learned Government Pleader Mr. Gurusharan H. Virk for the respondents No. 1 and 17 to 20, learned Advocate General Mr. Kamal Trivedi with learned Advocate Mr. Anuj Trivedi and learned Advocate Mr. Rituraj Meena for the respondent No.2 and learned Advocate Mr. Salil Thakore for the respondent No.15.

2. Learned Senior Advocate Ms. Patel tenders a draft amendment, more particularly to amend the name of respondent No.7. The same is taken on record. The draft amendment is granted. Appropriate

amendment to be carried out during course of the day.

2.1 Learned Senior Advocate Ms. Patel also tenders an additional affidavit. The same is taken on record.

3. Learned Government Pleader Mr. Virk in compliance of oral directions of this Court dated 25.06.2026, has tendered an affidavit of the Commissioner of Police, Surat City.

3.1 Learned Government Pleader would submit that the affidavit of the Commissioner of Police inter alia states as regards the complaint, which had been submitted by the one of the petitioners to the Corporation, having been received by the Inward Department of the Commissionerate on 10.06.2026 at 17 : 32 Hours and in normal course, the same had been forwarded to the appropriate jurisdictional Assistant Commissioner of Police 16.06.2026 and whereas thereafter, the DCP, Surat Zone – 3 on 16.06.2026, i.e. on the same day. Learned Government Pleader would submit that based upon the complaint, the police machinery has activated itself and statements of around 10 persons, including of police officers, have been recorded.

4. Prima facie, to this Court, the affidavit is not satisfactory. Prima

facie it would appear to this Court that the Commissioner of Police, of a City, upon knowing of such an activity i.e. a large scale demolition, which prima facie was without any authority of law, was not required to wait till a formal complaint is filed and ought to have taken appropriate steps immediately. Learned Government Pleader seeks some time to respond to the said observations of this Court also.

5. Explaining the presence of the Police Officials at the site, learned Government Pleader Mr. Virk would tender copy of communication dated 21.05.2026 by the Deputy Engineer, Central Zone, Surat Mahanagar Palika as well as copy of communication dated 27.05.2026 by the Police Inspector, Chawkbazar Police Station, Surat City to the Police Commissioner, Surat City as well as copy of order dated 27.05.2026 by the Deputy Commissioner of Police, Surat City, inter alia stating as regards providing police protection.

6. While learned Government Pleader would submit that the police officials, who were present at the site of the demolition, had gone there upon a specific requisition received from the Municipal Corporation and whereas the presence of the police officials in a larger number to ensure that there was no law and order situation, more particularly since certain apprehension had been raised Police Inspector, which had found favour

with the Deputy Commissioner of Police.

7. As against the same, this Court notices that vide communication dated 21.05.2026, police protection was required only for demarcation purpose and for nothing else. It clearly appears that under the garb of demarcation, the Corporation's officials had demolished the properties of some of the petitioners and others.

8. Upon a query, learned Government Mr. Virk would submit that the police officials' job was to ensure that there was no law and order situation and whereas they were not required to take a call as to whether the action taken by the Corporation was in accordance with law or not.

9. Prima facie it would appear to this Court that when Police Bandobast had been sought for a demarcation activity and under the guise of demarcation, if demolition was being carried out, it was the duty of the police officials not to support such an illegal activity and considering the seniority of police officials present at the site, they should have intervened and ensured that such illegal activity ought not to have been permitted to be carried out. Thus, the submissions of the learned Government Pleader may not be prima facie be acceptable.

10. Learned Government Pleader would seek some time to respond to the above prima facie observations also, more particularly by filing an affidavit or including the same in the further affidavit to be filed by the Commissioner, Surat City.

11. Learned Advocate General Mr. Kamal Trivedi appearing for the respondent No.2 has tendered a copy of note by the Commissioner of Surat Municipal Corporation and whereas learned Advocate General would referring to the note submit that as such, the demolition was not carried out by the officials of the Corporation under any authority of the Corporation. Learned Advocate General would submit that an appropriate inquiry had been ordered and whereas it is submitted that a report is likely to be tendered during course of the day and whereas learned Advocate General would seek for some time to produce before this Court the action taken report basis on the report submitted by the Inquiry Committee.

11.1 Learned Advocate General would further submit that having regard to the oral directions of this Court, the Corporation has ensured that accommodation is provided to all the victims of the demolition in question and whereas it is submitted that a Community Centre of the Surat Municipal Corporation, which is nearby the demolition site, has

been activated as a community shelter and whereas the Corporation is ensuring that appropriate hygiene as well as medical facilities are being made available.

12. Learned Advocate Mr. Salil Thakore appears for the respondent No.15 and would submit as regards the requisition received, which led to the electricity connection being disconnected that some officers of the Torrent Power Ltd., had received a phone call as regards the proposed demolition at the site in question and whereas the officials had reached the site of demolition and upon finding that demolition activity had already started and the meters etc. of the Torrent Power had been damaged, they had taken a proactive steps to disconnect electricity so as to ensure that there is no harm to life or property.

13. Prima facie to this Court it would appear that the oral submissions made by learned Advocate Mr. Thakore, do not appeal to reason that the machinery of M/s Torrent Power, would activate on basis of a phone call. Be that as it may, learned Advocate Mr. Thakore would seek for some time to file an affidavit-in-reply.

14. Having regard to the above submissions, which have been recorded, issue **Notice** to the respondents returnable on **02.07.2026**.

Learned Government Pleader Mr. Virk waives service of notice for respondents No. 1 and 17 to 20, learned Advocate Mr. Anuj Trivedi with learned Advocate Mr. Meena waives service of notice for respondent No.2 and learned Advocate Mr. Thakore waives service of notice for the respondent No.15. **Direct service for respondents No. 3 to 14 and 16 is permitted today.**

15. The State to ensure that a further affidavit is filed by the Commissioner of Police, Surat, more particularly as regards the prima facie observations of this Court hereinabove.

16. Learned Advocate General shall ensure an affidavit-in-reply of the Commissioner, Surat Municipal Corporation, more particularly as regards the inquiry report and the action taken thereupon and further with regard to the allegation of collusion between the officers of the Surat Municipal Corporation and some of the private respondents.

17. The respondent No. 15 – Torrent Power Ltd., is directed that an affidavit-in-reply shall be filed by the senior most officer under whose jurisdiction the Surat City is located inter alia informing this Court as regards the procedure which is normally undertaken by the Torrent Power, upon an intimation being received as regards a proposed

demolition by the Corporation or some other Local Body. The respondent No. 15 shall also place on record appropriate technical information as regards the time, upon which electric connection had been disconnected either to the entire area or had been disconnected of individual residences. Such an affidavit shall be made available to this Court by the returnable date.

18. It is clarified that the Corporation shall continue ensuring all basic facilities to the persons displaced on account of the demolition till further orders passed by this Court in that regard.

BDSONGARA

(NIKHIL S. KARIEL,J)