

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8753 of 2026**

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RAMESHBHAI VAGABHAI BARIYA
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR PANKAJ S CHAUDHARY(3269) for the Petitioner(s) No. 1
MS SHRUTI DHRUVE ASSTT. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3,5

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 25/06/2026

ORAL ORDER

1. Heard learned Senior Advocate Mr. Jal Unwala with learned advocate Mr. Pankaj S. Chaudhary for the petitioner and learned AGP Mr. Shruti Dhruve for the respondent State.

2. By way of this petition,the petitioner inter alia challenges an order dated 24.06.2026 as well as the notices leading to the said order, more particularly the said order requiring present petitioner to remove alleged illegal / unauthorized construction of the present petitioner, which has been carried out by the present petitioner after receiving the building use permission and after its plan being sanctioned by the Gram Panchayat.

3. Learned Senior Advocate Mr. Jal Unwala would submit that though a detailed reply is given to the show cause notice inter alia pointing out that the present petitioner had not carried out any construction, which is beyond the building use permission and the sanctioned plan, yet, without giving any reasons by merely holding that the construction carried out by the petitioner is in violation of the building use permission as well as the sanctioned plan,

the impugned order dated 24.06.2026 has been passed. In any case, learned Senior Advocate would submit that the construction of the present petitioner is on his own land and whereas while according to the petitioner, there are transgressions whatsoever in the event at a later stage, there being some transgressions found, which could not be regularized, the petitioner undertakes to demolish the same at his own cost.

4. Having regard to such submissions made by learned Senior Advocate and having considered the fact that construction of the petitioner is being built on a plot, which is owned by the present petitioner and after having taken all appropriate permissions and whereas since the final order i.e. the order dated 24.06.2026 does not clarify that as to which part of construction of the petitioner is beyond / in violation of the stipulation as per the building use permission or in contravention to the sanctioned plan, at this stage, to this Court, intervention is required.

5. Issue Notice to the respondents returnable on 14.07.2026. By way of ad interim relief, the respondents are directed not to take any coercive steps against the property of the petitioner situated at Survey No.235/B/1 (new Survey No.395), more particularly plot No.2 thereupon admeasuring 135 Sq. Mtrs. At village: Garudeshwar, Dist. Narmada.

Direct service **today** is permitted.

Y.N. VYAS

(NIKHIL S. KARIEL,J)