

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11845 of 2025**

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M/S GALAXY ORGANIZER & ORS.**Versus****SURAT MUNICIPAL CORPORATION & ANR.**

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Appearance:**MR ZUBIN F BHARDA(159) for the Petitioner(s) No. 1,2,3****MR KAUSHAL D PANDYA(2905) for the Respondent(s) No. 1,2**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 25/08/2025****ORAL ORDER**

1. Learned advocate Mr. Zubin Bharda for the petitioners requested for draft amendment to join private respondents who are party to the suit proceedings as party respondents.

2. Amendment is granted. To be carried out on or before 28.08.2025.

3. Heard learned advocate Mr. Zubin Bharda for the petitioners. Learned advocate for the petitioners submitted that petitioner No. 1 herein is a partnership firm and petitioner Nos. 2 and 3 are the managing partners. For the property in question, the petitioners applied for development permission and the same was granted. Pursuant to grant of development permission by respondent – Corporation the petitioners initiated construction and completed as per the plans

sanctioned by the Corporation. Subsequently, on account of some private dispute, the newly added respondents (private respondents) filed a suit proceeding challenging the development permission. This action was subsequent to the development sanctioned in favour of the petitioners. Learned advocate further submitted that on account of pendency of suit, the respondent – Corporation is not granting Building Use permission despite sought for. The reliance placed by respondent – Corporation on pending suit for not grant of BU permission is erroneous since no provision prohibits the statutory authority to grant the same.

3.1 Learned advocate for the petitioners further submitted that when the development permission was granted, private respondents had objected to the same despite that the permission was granted in favour of the petitioners pursuant to which the premises in question was constructed.

4. Considering the submissions, issue **Notice** returnable on **07.10.2025** to respondents including the newly added private respondents upon carrying out of draft amendment. Direct service is permitted.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI