

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13859 of 2023**

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HABIBBHAI KASAMBHAI**Versus****MUNICIPAL COMMISSIONER**

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Appearance:**MR ABHISHEK M MEHTA(3469) for the Petitioner(s) No. 1****for the Respondent(s) No. 1,2**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 21/08/2023****ORAL ORDER**

1. Heard Mr. D.C. Dave, learned Senior Counsel for Mr. Abhishek M. Mehta, learned advocate appearing for the petitioner.

2. Pursuant to the order dated 17.08.2023, Mr. Dave, learned Senior Counsel has placed on record additional affidavit on behalf of the petitioner dated 20.08.2023 stating that the property-in-question, which is subject matter of the present petition, belongs to the petitioner herein.

3. Mr. Dave, learned Senior Counsel, submitted that the notices came to be issued by the competent authority under Section 260(1)(a) and 260(2) of the Bombay Provincial Municipal Corporation Act, 1949 against the petitioner herein considering fact that the construction undertaken by the petitioner was without requisite development permission.

4. Mr. Dave, learned Senior Counsel, submitted that subsequent to the issuance of the said notices, the petitioner herein applied for development permission on 21.07.2023. The said application dated 21.07.2023 is duly produced at page 42 to the petition.

5. Mr. Dave, learned Senior Counsel, on instruction, submitted that if the said application dated 21.07.2023 seeking development permission is decided by the competent authority, the petitioner herein would maintain status quo with regard to the subject property.

6. Considering the submissions advanced by Mr. Dave, learned Senior Counsel, issue **Notice** returnable on **25.09.2023**.

7. In the meantime, status quo be maintained with regard to the subject property till further orders.

8. Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

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