

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13540 of 2023**

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MANJULABEN BIJALBHAI RATHOD

Versus

STATE OF GUJARAT

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Appearance:

MR PRATIKKUMAR B RUPALA(10230) for the Petitioner(s) No. 1,2

VEDANT J RAJGURU(9375) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 2,3,4,5,6

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 04/08/2023****ORAL ORDER**

1. Mr. Vedant Rajguru learned advocate, for the petitioners No.1 & 2 has invited the attention of this Court to the Resolution dated 21.06.1991 whereby, the Unava Gram Panchayat has allotted the property No.1056/1-J to the husband of the petitioner. Subsequently, since the petitioners, were desirous of converting the kuchcha construction to pakka construction, that an application was filed, which was allowed by

the Grampanchayat in the year 2009. Since then, the petitioners, and her family members, have been staying there. Owing to the expansion in the family, that first floor was constructed.

2.It is submitted that at no point of time, there was any objection raised and recently, out of dues, that the petitioners have been served with a notice under the provisions of the Gujarat Panchayats Act, 1993 ('the Act' hereinafter) initially in the month of February thereafter March and recently, in the month of July 2023.

3.It is submitted that upon receipt of the notice, the petitioners gathered all the documents and have approached the office of the Prant Officer with a request to incorporate petitioner No.1's name in the property card. It is submitted that Section 105 of the Act read with Rule 55 of the

Gujarat Panchayats Rules, 1997 ('the Rules' hereinafter) that a personal hearing, is required to be granted and it is only after following the procedure as per Section 105 of the Act read with Rule 55 of the Rules.

4.It is submitted that the said notice, is nothing but an order requiring the petitioners to demolish the property without following the procedure as contained in the Act read with the Rules.

5.Considered the submissions, issue notice to the respondents, returnable on 25.08.2023. Till the next date of hearing, ad-interim relief in terms of para 8(D) is granted.

6.Direct Service is permitted.

M.M.MIRZA

(SANGEETA K. VISHEN,J)