

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9711 of 2026**

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SAEEDMIYA SABIRMIYA SAIYED (S. S. SAIYED)
Versus
MAHEMDAVAD NAGARPALIKA

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Appearance:
MR MA KHARADI(1032) for the Petitioner(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 17/07/2026
ORAL ORDER

1. Heard learned Advocate Mr. M.A. Kharadi for the petitioner.
2. At the outset, learned Advocate Mr. Kharadi seeks permission to join the State through the Director of Municipalities as party respondent. Permission is granted. Appropriate amendment to be carried out forthwith. A copy of this petition to be supplied to learned AGP Ms. Shruti Dhruve on behalf of the State.
3. Considering the submissions made by learned Advocate Mr. Kharadi and perusing the documents on record, it would prima facie appear to this Court that the petitioner had been allotted a lease of the shop in question for a period of ten years in the year 2003, upon the petitioner being the highest bidder in an auction by the respondent-Municipality for the said purpose. It also appears that an agreement had been entered into, whereby the petitioner was given leasehold rights over the shop in question for a period of ten years at a monthly rent of Rs. 250/-. It also appears that the same had been extended from time to time. It also appears that lastly, the lease had been extended for a period of nine years, vide a Resolution of the December, 2018.

3.1 It also appears that vide a notice dated 10.12.2025, the Chief Officer of the respondent-Municipality had called upon the petitioner to vacate the shop since the Municipality wanted to use the shop for its own purpose. The petitioner having replied to the same, no decision appears to have been taken as regards the same and whereas the impugned notice dated 04.07.2026 has been issued whereby the Chief Officer of the respondent-Municipality has directed the petitioner to vacate the premises forthwith, failing which, the Municipality shall take appropriate action for removing the petitioner from the premises in question.

4. Considering the fact that the present petitioner had been permitted to use the premises till the month of December, 2027 and since it also prima facie appears that as of now, there has been no decision by the respondent-Municipality as regards the reply by the petitioner to the first notice and since it also does not appear as to any pressing urgency by the Nagarpalika for use of the premises, at this stage to this Court interference is required. Hence, issue **Notice** to the respondents on **14.08.2026**.

5. By way of ad-interim relief, the respondent No.1 is directed not to take any coercive steps in furtherance of the impugned notice dated 04.07.2026 qua the shop in question.

Direct service **today** is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)