

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 19550 of 2017**

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PARVEZ SAM GINWALA  
Versus  
UNION OF INDIA & ORS.

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Appearance:

MR MASOOM K SHAH(6516) for the Petitioner(s) No. 1  
MR VISHWAS K SHAH(5364) for the Petitioner(s) No. 1  
MR. KAMAL TRIVEDI, ADVOCATE GENERAL WITH MR. VINAY  
VISHEN ASSISTANT GOVERNMENT PLEADER/PP for the  
Respondent(s) No. 2  
MR SHUSHIL R SHUKLA(5603) for the Respondent(s) No. 1  
MS. SHAILI A KAPADIA(3453) for the Respondent(s) No. 5  
NOTICE SERVED BY DS for the Respondent(s) No. 2  
RULE SERVED for the Respondent(s) No. 3,4

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL**

and

**HONOURABLE MS. JUSTICE NISHA M. THAKORE**

**Date : 19/08/2025**

**ORAL ORDER**

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL)**

1. The present petition has been filed through a Power of Attorney holder of the original owner of land situated at city survey no.3572, Ankleshwar Town, with respect to which the dispute is being raised. However, pertinent is to note that in various paragraphs of the writ petition, the petitioner only makes assertion about the validity of the various provisions of the Town Planning Act, the Notifications issued by the Bombay Town Planning Act, 1954 (Amended Gujarat Town Planning Act, 1976) and the Notifications issued by the State Department in the year 1991 under the Gujarat Town Planning and Urban Development Act, 1976 sanctioning the

Draft Town Planning Scheme for Ankleshwar Town-1. From the prayer clause in the writ petition, pertinent is to note that the prayer has been made to the effect that a declaration be made that the land in question viz. city survey no.3572 situated in the Town of Ankleshwar is free from the operation, execution and implementation of the impugned Town Planning Scheme No.1 of Ankleshwar Town. However, apart from the averments made about the constitutional validity of the Town Planning Act, and the Notification issued by the State Department, there is no averment as to what prejudice has been caused to the petitioner to give rise to a cause of action to approach this Court. The writ petition is completely silent about any adversity being faced by the petitioner as a result of sanction of the Draft Town Planning Scheme vide Notification dated 05.02.1991 issued by the Urban Development and Urban Housing Department, Gandhinagar under the Town Planning Act, 1976.

2. We may also note that there is no interim order operating in the matter. The only observation made in the order dated 14.11.2017 while issuing the notice to the respondents is to the effect that any further steps taken by the respondents will be subject to further orders that may be passed by this Court.

3. The question, therefore, would be as to the stage at which we are today. The requirement therefore is to bring the correct and complete facts pertaining to the stage of Town Planning Scheme No.1 of Ankleshwar Town, which is subject matter of dispute herein. On a query made by the Court about

the fact as to whether the present petition filed through a Power of Attorney Holder survives as on date, Mr. Vishwas K Shah, learned advocate for the petitioner prays for and is granted one week time to complete his instructions and to bring before the Court as to whether the writ petition filed through the Power of Attorney holder can still survive.

4. Mr. Vinay Vishen, learned Assistant Government Pleader appearing of the respondent State is required to complete his instructions about the stage of Town Planning Scheme as on date. Put up this matter on 26.08.2025. This matter is delinked from the bunch of matters.

sd/-  
**(SUNITA AGARWAL, CJ )**

sd/-  
**(NISHA M. THAKORE,J)**

RATHOD KAUSHIKSINH