

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8425 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 9878 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 13000 of 2024**

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NARESH KANAIYALAL SHARMA & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR BS PATEL, SENIOR ADVOCATE for****MR AM PAREKH(562) for the Petitioner(s) No.****1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,3****2,33,34,35,36,37,38,39,40,41,42,5,6,7,8,9****MR SAHIL TRIVEDI AGP for the Respondent(s) No. 1****MR DEEP D VYAS(3869) for the Respondent(s) No. 2,3**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 27/02/2025****ORAL ORDER**

1. These petitions are filed challenging the notice dated 20.05.2024 whereby the petitioners were directed to vacate the premises for development permission.

2. Heard learned senior advocate Mr.B.S.Patel assisted by learned advocate Mr.A.M.Parekh for the petitioners and submitted that the notice dated 20.05.2024 is illegal because the land in question is not the land belonging to Municipal Corporation and, therefore, the notice issued dated 20.05.2024 is without jurisdiction. Moreover, the land for which the notice is being issued, is not covered under

the water land. Despite that, demolition has been done and no compensation has been provided to the petitioners.

3. Opposing the petitioners, learned advocate Mr. Deep Vyas submitted that the land in question was given to Municipal Corporation for development by State Government. Accordingly, the name of Municipality was mutated in the revenue records and, therefore, survey was carried out and the petitioners were not the owners of the subject land. Moreover, as per the survey, the petitioners were found on the water body and, therefore, no construction is permissible on the water body.

4. Learned AGP Mr. Sahil Trivedi submitted that the land in question belongs to the State Government which was given to Municipal Corporation for development. Further, the petitioners are encroachers on the land is evident from Annexure C page 273 and, therefore, State has shown its ineligibility to provide alternative accommodation.

5. Considering the issue involved and since the reply is not filed on behalf of the State, the State Government is directed to file its reply on or before the next date of hearing.

6. Stand over to 24.03.2025.

(MAUNA M. BHATT,J)