

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 13181 of 2024

With

R/SPECIAL CIVIL APPLICATION NO. 13631 of 2024

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RAMESHCHANDRA ATMARAM PATEL & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR MK VAKHARIA(1483) for the Petitioner(s) No. 1,2,3,4

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

MR DEEP D VYAS(3869) for the Respondent(s) No. 3

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 01/05/2025

ORAL ORDER

1. These petitions are filed challenging non-grant of peaceful vacant possession of Final Plot which have been allotted to the petitioners pursuant to finalization of Preliminary Town Planning Scheme No.215.

2. Learned advocate for the petitioners submitted that preliminary Town Planning Scheme No.215 has been finalized by notification dated 04.09.2020. Pursuant to finalization of preliminary Town Planning Scheme, the petitioners in Special Civil Application No.13181 of 2024 against T.P.Scheme No.215 Survey No.233 A, Final Plot No.75/1 is given and in Special Civil Application No. 13631 of 2024 T.P.Scheme No.215 Survey

Nos.218 and 219, Final Plot No.61 is given. It is case of the petitioners that despite allotment of Final Plot No.75/1 and Final Plot No. 61, they could not be given vacant possession of the entire plot because final plot allotted to the petitioners is in possession of some other person which is subject matter of challenge in Special Civil Application No.26438 of 2022 where status-quo has been granted.

3. The Corporation being implementing authority had filed an application seeking vacation of interim relief. As pointed out by learned advocate Mr.Vyas, for the Corporation, that the pleadings are completed, however, final plot could not be allotted on account of status-quo granted for which an application seeking vacation of interim relief is pending.

4. Noticing the above factual aspect and noticing the fact that despite allotment of final plot to the petitioners against their original plots, they could not be given peaceful vacant possession, it is expected of the implementing authority not to take possession of original plot of the petitioners till the final plots are allotted or any orders are passed in the petitions which are pending.

5. This Court also noticed the urgency of implementation of the scheme since it is for the public purpose and particularly,

for the development of road.

6. Stand over to 03.07.2025.

(MAUNA M. BHATT,J)

NAIR SMITA V./11 & 12