

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 13071 of 2024**

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THACKER DHIRAJLAL KESHAVJI & ORS.
Versus
TALUKA DEVELOPMENT OFFICER & ANR.

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Appearance:

MR AR THACKER(888) for the Petitioner(s) No. 1,2,3,4

SHIVANG A THACKER(7424) for the Petitioner(s) No. 1,2,3,4

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 06/09/2024

ORAL ORDER

Heard Mr.S.A.Thacker, learned advocate for the petitioners. It is submitted that the notice has been issued straightaway requiring the petitioners, to vacate the shops on the ground that there is an encroachment. It is submitted that Section 105 of the Gujarat Panchayat Act read with Rule 55 of the Gujarat Panchayat (Procedure) Rules, 1997, the petitioners, are required to be heard and procedure is to be followed by the Panchayats. It is only thereafter, steps are to be taken. In the present case, clearly, the Notice dated 27.08.2024 is in the form of the order. It is alleged that without following the procedure, the steps have been taken.

2. Considered the submissions. Issue Notice to the respondents, returnable on 01.10.2024.

3. It is clarified that no steps shall be taken except in accordance with law i.e., after observing the provisions under Section 105 of the Gujarat Panchayat Act read with Rule 55 of the Gujarat Panchayat (Procedure) Rules, 1997.

(SANGEETA K. VISHEN,J)

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