

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17152 of 2023**

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AJAYBHAI BECHARBHAI BHIL
Versus
STATE OF GUJARAT

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Appearance:

MR ANAND M RANPARA(10976) for the Petitioner(s) No.

1,10,2,3,4,5,6,7,8,9

for the Respondent(s) No. 2

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

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 27/09/2023**ORAL ORDER**

Mr Anand M. Ranpara, learned advocate for the petitioners submitted that the panchayat, has allotted the plots to the petitioners and in lieu of such allotment, deposit was accepted and receipts have been issued. Since then, i.e. from the year 1990, the petitioners have been staying on the plots allotted by the panchayat.

2. Apropos some proceedings before the Court below, and order passed, that it appears that steps were taken. Initially, a notice was issued on 31.08.2023 under the provisions of the Gujarat Municipalities Act, 1963. The petitioners, therefore, submitted a detailed reply to the said notice; however, without considering the reply of the petitioners that final notice dated 21.09.2023, has been issued, requiring the petitioners, to remove the encroachment.

2. It is submitted that the respondent authorities, ought to have considered the reply filed by the petitioners and it is only thereafter,

that the final notice should have been issued. Non-consideration of the reply and issuance of the final notice, would be in violation of principles of natural justice.

3. Considered the submissions. Issue notice to the respondents, returnable on 27.10.2023. Mr Meet Thakkar, learned Assistant Government Pleader waives service of notice on behalf of the respondent no.1. Direct service today, is permitted for the respondent no.2.

4. Till the next date of hearing, ad-interim relief, is granted in terms of paragraph 8 (C).

BINOY B PILLAI

(SANGEETA K. VISHEN,J)