

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14276 of 2024**

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VANRAJSINH NATVARSINH CHAVDA & ANR.

Versus

ADDITIONAL SECRETARY REVENUE DEPARTMENT (APPEALS) & ORS.

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Appearance:

MR HASIT H JOSHI(2480) for the Petitioner(s) No. 1,2

MR NIKUNJ KANARA ASSTT. GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1,3,4

MR HS MUNSHAW(495) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 11/10/2024

ORAL ORDER

1. Heard Learned advocate Mr. Hasit Joshi for the petitioners and learned AGP Mr. Nikunj Kanara for the respondent authorities.

2. Learned advocate Mr. Joshi tenders a draft amendment. The same is allowed. To be carried out by 16.10.2024.

3. By way of this petition, the petitioners challenge an order passed by the learned SSRD dated 16.05.2018, whereby NA permission for residential use granted by the Taluka Development Officer, Khambhalia, dated 24.03.1983 has been set aside.

4. Considering the submissions made by learned advocate Mr. Joshi and having perused the documents on record, it would prima facie appear that for two parts of the very same parcel of the land, the petitioners had applied for NA permission for commercial use and NA permission for industrial use. Both the NA permissions had been challenged by the private respondents herein before the learned SSRD and whereas vide an order dated 08.12.2016, the learned SSRD had set aside the order dated

23.02.1984 by the Taluka Development Officer, Khmabhalia, granting NA permission for commercial use. It appears that the petitioners had challenged the same before this Court by preferring Special Civil Application No.2487 of 2017 and initially vide an order dated 14.08.2017, while this Court had granted ad interim relief, later on, vide an order dated 14.09.2017, a learned Coordinate Bench of this Court while issuing Rule, had directed an interim relief to continue i.e. in the nature of no action being taken pursuant to order dated 06.12.2016 i.e. the order passed by the learned SSRD.

5. It is the contention of learned advocate Mr. Joshi that the consideration, which weighed with the learned SSRD, while passing present order impugned and the order impugned in the earlier writ petition, were the same and under such circumstances, when this Court had already interfered with the earlier order setting aside the NA permission for commercial use, learned SSRD ought not to have set aside the order granting NA permission for residential use.

6. Considering the submissions made by learned advocate Mr. Joshi and finding prima facie substance therein, to this Court, it would appear that the issue requires consideration. Hence, issue Rule returnable on 12.12.2024. By way of interim relief, the order dated 16.05.2018 passed by the learned SSRD in Revision Application No.MVV/BKP/JMN/1/2017 shall not be implemented any further.

To be heard with Special Civil Application No.2487 of 2017.

Y.N. VYAS

(NIKHIL S. KARIEL,J)