

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12921 of 2025**

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BHERAJI MODAJI CHAUDHARY & ORS.

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR MEHUL SHARAD SHAH(773) for the Petitioner(s) No.

1,10,100,101,102,103,104,105,106,107,108,109,11,110,111,112,113,114,115
,116,117,118,119,12,120,121,122,123,124,125,126,13,14,15,16,17,18,19,2,2
0,21,22,23,24,25,26,27,28,29,3,30,31,32,33,34,35,36,37,38,39,4,40,41,42,43,
44,45,46,47,48,49,5,50,51,52,53,54,55,56,57,58,59,6,60,61,62,63,64,65,66,6
7,68,69,7,70,71,72,73,74,75,76,77,78,79,8,80,81,82,83,84,85,86,87,88,89,9,9
0,91,92,93,94,95,96,97,98,99

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 15/09/2025

ORAL ORDER

1. This petition is filed challenging the Notice dated 29.08.2025 issued by Deputy Executive Engineer, Capital Project Division No.6, Gandhinagar.
2. Heard learned advocate Mr.Mehul Shah for the petitioners and learned Assistant Government Pleader Mr.Sahil Trivedi for respondent No.1.
3. Learned advocate Mr.Mehul Shah for the petitioners submitted that in similar petition being Special Civil Application No.11394 of 2025, this Court had issued Notice under order dated 18.08.2025. The order dated 18.08.2025 is annexed at Annexure “C”, Page-42.

4. Learned Assistant Government Pleader Mr.Sahil Trivedi for respondent No.1 submitted that in the present petition, Notice is issued by Deputy Executive Engineer, Capital Project Division No.6, Gandhinagar whereby, he informed the petitioners to remove encroachment, failing which appropriate steps under the provisions of the Act, has been indicated. Therefore, for removal of encroachment, the procedure will be followed by issuance of Notice and therefore, this petition is pre-matured. Learned Assistant Government Pleader further submitted that for removal of encroachment, other authorities have been informed and once decision is taken, Notice under Bombay Land Revenue Code will be issued before taking any action.

5. Considering the submissions and noticing the earlier order of Notice dated 18.08.2025 passed by this Court in Special Civil Application No.11394 of 2025, issue **Notice** returnable on 22.09.2025. Learned Assistant Government Pleader Mr.Sahil Trivedi waives service of Notice on behalf of respondent No.1.

Direct service is permitted for rest of the respondents.

(MAUNA M. BHATT,J)

DIPTI PATEL...