

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13361 of 2025**

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MOHAMMAD FARHAN NURMOHAMAD MEMON & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR TIRTH H SHAH(13975) for the Petitioner(s) No. 1,2,3,4****MR. NISHIT P GANDHI(6946) for the Petitioner(s) No. 1,2,3,4****GOVERNMENT PLEADER for the Respondent(s) No. 1****MR KAUSHAL D PANDYA(2905) for the Respondent(s) No. 2,3,4**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 25/09/2025****ORAL ORDER**

1. Learned Advocate for the petitioner requested for Draft amendment. The same is allowed in terms of Draft, to be carried out within two days.

2. Learned senior advocate Mr. Dhaval Vyas with learned advocate Mr. Nishit Gandhi for the petitioners has filed additional affidavit dated 25.09.2025 and the same is taken on record.

3. This petition is filed challenging the notice dated 11.03.2025 issued under Section 264 Gujarat Provincial

Municipal Corporations Act, 1949 (the “GPMC Act” for short) whereby the property in question is stated in dilapidated condition and dangerous to human life.

4. It is case of the petitioners that since the building is repairable and can be restructured as per the Engineer Certificates at Annexure C page 20 dated 18.05.2025 and 05.09.2025, the petitioners are ready for the same however, high handed action has been taken after filing of the petition, whereby portion of the building has been demolished. The demolition was done after serving copy of this petition to learned advocate for the Corporation. Moreover, action was taken with *mala fide* intend to held the owner of the building since petitioners herein are having Lease Hold Rights over the subject property.

5. Considering the submissions, issue **Notice** returnable on **16.10.2025**.

6. Learned advocate Mr.Kaushal Pandya waives service of notice on behalf of respondent Nos.2, 3 and 4.

7. learned senior advocate for the petitioners further submitted that if reasonable time is given, the petitioners will

pull down the balance structure. Considering request 20 days' time is given to the petitioners to pull down the balance dilapidated structure of the property in question. However, the permission granted as sought by the petitioners shall not be construed as right over the property.

8. Meanwhile it is open for the petitioners to make an application to the Corporation seeking restructuring of the property in question which the Corporation may consider in accordance with law.

(MAUNA M. BHATT,J)

NAIR SMITA V./11

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/09/2025 18:13:06