

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 13880 of 2025**=====  
**KIRANBHAI NARANSING LODHA & ORS.****Versus****AHMEDABAD MUNICIPAL COMMISSIONER & ANR.**  
=====

Appearance:

MR VISHAL N SOLANKI(11628) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,  
33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,5  
6,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,  
8,9AISHVARYA(8018) for the Respondent(s) No. 1,2  
=====**CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT****Date : 09/10/2025****ORAL ORDER**

1. This petition is filed challenging Notice dated 05.08.2025 issued under section 68 of Gujarat Town Planning and Urban Development Act, 1976 read with Rule 33 of the Gujarat Town Planning and Urban Development Rules, whereby the petitioners have been directed to give peaceful and vacant possession of their respective land.

2. Heard learned advocate Mr.Vishal Solanki for the petitioners and learned advocate Ms.Aishvarya for the respondent Nos.1 & 2.

3. Learned advocate for the petitioners submitted that the petitioners are lawful owners of the land in question. However,

on account of sanctioning of Draft Town Planning Scheme No.60 (Narol South-2), their land has been considered under the said Scheme. The petitioners though have purchased their residences by payment of consideration, they have not been provided with final plot. Objections raised were not considered appropriately and therefore, this petition is filed.

4. Opposing the present petition, learned advocate Ms.Aishvarya for respondent- corporation submitted that Draft Town Planning Scheme No.60 (Narol South-2) was sanctioned by the State Government on 31.03.2005. Thereafter, Preliminary Town Planning Scheme was sanctioned by the State Government under section 65 of the Act on 08.03.2019. Thereafter, the said Scheme was finalized on 21.08.2023 and the petitioners have purchased the property in question by notarized documents on 04.10.2023. Therefore, the petitioners after finalization of the Scheme in the year 2023, have purchased their properties.

5. Moreover, for the properties in question, ownership is shown in the name of some other persons and as per the provisions of the Town Planning Act, original owner as per revenue record was given final plot against original plot. Referring to Map at Page-24, learned advocate Ms.Aishvarya

submitted that land in question is having original survey No.112/A/2 where it has been given Final Plot No.8/1 and 118. So far as Final Plot No.8/1 is concerned, petition is preferred by the occupiers of that plots and the same is pending wherein this Court directed the respondents not to take any coercive steps. Learned advocate Ms.Aishvarya has placed on record an order dated 25.10.2023 passed by this Court in Special Civil Application No.18899 of 2023.

6. Noticing the order dated 25.10.2023 in Special Civil Application No.18899 of 2023, which is part of revenue Survey No.112/A/2, wherein Notice is issued and no coercive steps is directed to respondent- corporation, similar order is considered. This Court appreciated fairness shown by learned advocate Ms.Aishvarya appearing for the respondent-corporation.

7. Considering the submissions, issue **Notice** returnable on 25.11.2025. No coercive steps shall be taken till the next date of hearing. Learned advocate Ms.Aishvarya waives service of Notice on behalf of the respondents.

Direct service is permitted.

DIPTI PATEL...

**(MAUNA M. BHATT,J)**