

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18872 of 2023**

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UPVAN (BOPAL) CO OPERATIVE HOUSING SOCIETY LTD.

Versus

STATE OF GUJARAT

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Appearance:

MR MK VAKHARIA(1483) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 27/10/2023****ORAL ORDER**

1. Mr Mehul K. Vakharia, learned advocate appearing for the petitioners submitted that the respondent no.4, has purchased the property in the year 2019 wherein, she has given an undertaking that the property shall be used only for residential purpose and no commercial activities will be undertaken. Moreover, the bye-laws governing the society, clearly suggest that it is exclusively a housing society and not for any commercial activities. While inviting attention to pages 57 and 58, it is submitted that the respondent no.4 is putting up an illegal construction and proposing to start Hospital in the name of 'Suncrest Hospital'. It is submitted that such a use, is not permissible as per the bye-laws of the society. Upon representation by the society, the corporation instead of issuing notice to respondent no.4, the notice has been issued to the society requiring it to remove the illegal construction carried out by respondent no.4. Mr Mehul Vakharia, learned advocate, upon instructions, has stated at bar that the Hospital activity, is yet to start.

2. Considered the submissions. Issue notice to the respondents, returnable on 30.11.2023. Till the next date of hearing, ad-interim relief is granted in terms of paragraph 15(C). Direct service is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)