

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14259 of 2025**

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RATHOD MAYUDEENBHAI KASAMBHAI & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR H.M.PARIKH, SENIOR ADVOCATE for****MR MASUDIQBAL H RATHOD(7919) for the Petitioner(s) No. 1,2,3,4,5****MR. RADHESH Y VYAS(7060) for the Petitioner(s) No. 1,2,3,4,5****GOVERNMENT PLEADER for the Respondent(s) No. 1****MR. ALKESH N SHAH(3749) for the Respondent(s) No. 2,3**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 13/10/2025****ORAL ORDER**

1. This petition is filed challenging the notices dated 01.07.2025 at Annexure F collectively whereby petitioners have been directed to remove encroachment on 12 meter Town Planning Road within the period of 07 days.

2. Heard learned senior advocate Mr.H.M.Parikh for learned advocates Mr. Masudiqbal Rathod and Mr.Radhesh Vyas for the petitioners. Learned senior advocate submitted that the Draft Town Planning Scheme No.44 Bapod Vadodara was sanctioned under Section 48(2) of the Gujarat Town Planning and Urban

Development Act, 1976 on 30.06.2015. As per the sanctioned Town Planning Scheme and as per the map which is at Annexure 121 there is 7.5 meter road, however, the notice is referred to 12 meter road alleging encroachment. Before this 12 meter Town Planning Road as stated in the notice, petitioners were not heard. Even the F form which is Annexure A page 15 refers to Revenue Survey No.320 having final plot No.18 with the area of 3073 sq.mtrs.

3. Considering the submissions, issue **Notice** returnable on **04.12.2025**.

4. Learned advocate Mr. Alkesh Shah waives service of notice on behalf of respondent Nos.2 and 3.

5. Status-quo as on today to be maintained by the respective parties.

(MAUNA M. BHATT,J)

NAIR SMITA V./02-SB-I