

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14977 of 2025

With

CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025

In R/SPECIAL CIVIL APPLICATION NO. 14977 of 2025

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**SABALPUR GRAM PANCHAYAT THROUGH ITS SARPANCH PARMAR
KAILASHBEN AMRUTBHAI**

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. HARSH RAVAL, ADVOCATE with

MR SUBODH KUMUD(10133) for the Petitioner(s) No. 1

MR G H VIRK, GOVERNMENT PLEADER with

MR SAHIL TRIVEDI, AGP for the Respondent(s) No. 1,2,4

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 27/11/2025

ORAL ORDER

1. This petition is filed challenging the notification dated 09.09.2025 issued by respondent No.1 - State of Gujarat.

2. It is case of the petitioner that the notification dated 09.09.2025, incorporating the Group Gram Panchayat into the Modasa - Municipality is contrary to Article 243Q(2) and 243(P)(d) read with Article 13 of the Constitution of India.

3. Heard learned advocate Mr. Harsh Raval for learned advocate Mr. Kumudor the petitioner, learned Government Pleader Mr. G. H. Virk with learned AGP Mr. Trivedi for the respondent Nos.1, 2 and 4 and learned advocate Mr. Premal Joshi for the respondent No.3.

4. Learned advocate for the petitioner submitted that vide notification dated 09.09.2025, respondent No.1 – State took a decision to incorporate Sabalpur Group Gram Panchayat into Modasa - Municipality. The incorporation of local self-government is permissible if the criteria referred under Article 243Q of the Constitution of India are fulfilled. Fulfilment of such criteria is mandatory requirement before passing of such notification. Moreover, as held by the Hon'ble Supreme Court in the case of *Champak Lal V/s. State of Rajasthan and others*, reported in *(2018) 16 SCC 356*, the Authority is not free to notify areas as per his absolute discretion but is required to fix the parameters necessary to determine whether a particular

area is a transitional area or a smaller urban area or a larger urban area with due regard to the factors mentioned therein. Learned advocate for the petitioner submitted that upon information being gathered through Right to Information Act, it is known to the petitioner that no such criteria is laid down by the Authority for the State of Gujarat and thus, the Authority has taken a decision on its own discretion, which is contrary to the decision of the Hon'ble Supreme Court. Therefore, the notification deserves to be quashed and set aside. Most importantly, Sabalpur Group Gram Panchayat is consisting of five village panchayats. Out of that, Rasulpur gram panchayat is not forming part of notification and there is no clarity with regard to the Rasulpur Gram Panchayat and its action of that lawful local body. Therefore also, the notification deserves to be quashed and set aside. Learned advocate for the petitioner further submitted that accordingly the interim relief has been prayed and the same is required to be considered at this stage. Learned advocate for the petitioner reiterated that if the Court is not inclined to grant interim

relief, he may be permitted to further argue the matter so as to press the grounds for grant of interim relief at this stage.

5. On the other hand, learned Government Pleader Mr. Virk submitted that at present the Government is not having its original file for perusal of this Court. Therefore, without any instruction on the subject, it would be difficult to make submission with regard to Rasulpur Gram Panchayat.

6. Learned advocate Mr. Joshi appearing for respondent No. 3 - Modasa Municipality submitted that now the notification has been acted upon.

7. Considering the submissions and noticing that the respondent - State is to produce the original file for the perusal of this Court that whether the parameters as referred to in Section 243Q has been considered or not, this Court, at this stage, is not inclined to entertain the prayer of interim relief. The grievance with regard to Rasulpur gram panchayat,

in the opinion of this Court, is not such that it deserves consideration for interim relief at this stage. The respondent-state is also directed to make clarification in the affidavit with regard to Rasulpur Gram Panchayat which is not forming part of the notification. The matter to be listed on 15.12.2025 for hearing.

(MAUNA M. BHATT,J)

Vikramsinh Amarsinh