

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14532 of 2025

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MURLIDHAR KHUSAL KORJANI & ORS.

Versus

AHMEDABAD MUNICIPAL CORPORATION

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Appearance:

MR NL RAMNANI(2400) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,3
2,33,34,35,36,37,38,39,4,40,41,42,43,44,46,47,48,49,5,50,51,52,53,54,55,5
6,57,58,59,6,60,61,62,63,64,65,66,67,68,69,7,70,71,72,73,74,75,76,77,78,7
9,8,80,81,82,83,84,85,86,87,88,9

MR. AMIT M LASHWANI(17434) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,3
2,33,34,35,36,37,38,39,4,40,41,42,43,44,45,46,47,48,49,5,50,51,52,53,54,5
5,56,57,58,59,6,60,61,62,63,64,65,66,67,68,69,7,70,71,72,73,74,75,76,77,7
8,79,8,80,81,82,83,84,85,86,87,88,9

MS. A. N. RAMNANI (14156) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,27,28,29,3,30,31,3
2,33,34,35,36,37,38,39,4,40,41,42,43,44,45,46,47,48,49,5,50,51,52,53,54,5
5,56,57,58,59,6,60,61,62,63,64,65,66,67,68,69,7,70,71,72,73,74,75,76,77,7
8,79,8,80,81,82,83,84,85,86,87,88,9

MR ANUJ K TRIVEDI(6251) for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date: 13/10/2025

ORAL ORDER

1. This petition is filed seeking to quash and set aside the notices dated 10.10.2025 issued by Deputy Estate Officer, Ahmedabad Municipal Corporation directing the petitioners to vacate their place of business (shops) within a period of one day. The notices dated 10.10.2025 was individually issued to respective petitioners, on the ground of dilapidated condition

of the shops in question.

2. Heard learned advocate N. L. Ramnani for the petitioners and learned advocate Mr. Anuj Trivedi for respondent.

3. Learned advocate Mr. Ramnani for the petitioners submitted that the petitioners herein are license holders of the shops in question and they are doing their petty business there. The migrants of neighboring country for their livelihood were allotted shops at the time of independence, on payment of license fees of Rs.2/- per month. Transfer of shop was permitted on payment of transfer fees and therefore the present petitioners are either original license holders or the transferee occupying the shops in question, for their business. The notice dated 10.10.2025 was issued directing them to vacate their premises on the ground of its dilapidated condition as also on account of falling of adjacent shops on 08.10.2025. However, all the shops are not in dilapidated condition and the petitioners are ready to repair it individually. Further, the petitioners are given only a day's time and the same being insufficient, if a reasonable time is provided, the petitioners would shift themselves to some other place. Thus, on both these grounds that the time being insufficient and the petitioners are ready to repair the shops, the notice dated 10.10.2025 deserves to be quashed and set aside. Further, if the alternative place of business is provided to the petitioners on payment of license fees, they are ready to shift. Moreover, reference of collapsing of 8 shops is not relevant because they had fallen because of ongoing work by Railway Department.

4. Learned advocate Mr. Trivedi for respondent – Corporation submitted that the petitioners are license holders and were given the shops question in the year 1950, at the time of independence for their livelihood. The dilapidated condition of the shops in question is evident from the number of years of its construction. Further, falling of 8 shops on 08.10.2025 is also a matter of great concern. Moreover, the situation of the shops in question is such that they are right on the road leaving zero margin. The huge traffic and commutation by public is inevitable because of busy area of Kalupur approaching Railway Station. The shops are situated on the Kalupur Overbridge and any collapse may result in to casualty. Hence, it is eminent to vacate the shops in question. Learned advocate Mr. Trivedi relied upon photographs to support his submissions.

4.1 With regard to providing alternative shops to the petitioners learned advocate Mr. Trivedi for respondent – Corporation submitted that if any construction will be done upon demolition of existing structure, the corporation will consider the cases otherwise, the petitioners being license holders do not have any legal right over the subject shops.

4.2 Learned advocate Mr. Anuj Trivedi for respondent – Corporation relied upon Sub Sections 3 and Sub Sections 1 of Section 264 of GPMC Act, 1949 r/w Section 268 of the GPMC Act, 1949 which gives powers to the Commissioner to vacate the premises on account of its dilapidated condition on urgent basis without providing any time.

5. Considered the submissions. Life of human is precious and therefore; this court cannot ignore dilapidated condition of the shops in question and collapsing of few of shops on 08.10.2025. The main grievance of petitioners is the time given to vacate their respective shops and to shift their place of business. Considering the said grievance, the respondents are directed to treat the notices dated 10.10.2025 as a show-cause notices, giving time to start searching for alternative location for their business.

6. Further, it was submitted on behalf of the petitioners that on petitioners' sole responsibility they may be permitted to use the shops in question on account of upcoming festive of Diwali. Therefore, sealing of shops was resisted.

7. Issue **Notice** returnable on **11.11.2025**. Learned advocate Mr. Anuj Trivedi waives service of notice on behalf of respondent – Corporation.

8. The respondent – Corporation is directed to file reply on or before the next date of hearing.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI