

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 56 of 2025**

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LALITABEN KARSHANBHAI PADHAR

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AMAN HADRI for MR JEET J BHATT(6154) for the
Applicant(s) No. 1

MS MAITHILI MEHTA, ASSISTANT GOVERNMENT PLEADER
assisted by Mr. BRIJENSINGH THAKUR, ASSISTANT
GOVERNMENT PLEADER for the Opponent(s) No. 1,5

MR. HEMANG S TRIVEDI(10045) for the Opponent(s) No.
2,3,4

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.

JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 24/12/2025

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. There is a sick note of Mr. Jeet J. Bhatt, learned advocate for the petitioner. However, Mr. Aman Hadri, learned advocate has put in appearance on behalf of the petitioner.

2. The petitioner herein is seeking a writ of mandamus commanding the District authorities to make an inquiry into the matter of allotment of houses under Pradhan Mantri Awaas Yojana - Gramin (PMAY-G), contrary to the guidelines

and other welfare schemes framed by the State Government.

3. The prayer in the writ petition is that a comprehensive, transparent, time-bound policy in the shape of binding guidelines are to be issued to ensure fair and transparent implementation of PMAY-G and other similar welfare schemes across the State so as to establish a robust mechanism for swift remedial action and accountability to prevent the recurrence of illegalities in implementation of such schemes in future.

4. Mr. Hemang Trivedi, learned advocate has put in appearance on behalf of the Panchayat and Ms. Maithili Mehta, learned Assistant Government Pleader has put in appearance on behalf of the respondents – State.

5. The petitioner herein would submit that in one of the prayers made in the writ petition, the petitioner seeks early disposal of the representation made by her, appended as Annexure 'H', raising the grievances with regard to allotment of houses under PMAY-G scheme to ineligible persons.

6. Learned advocate for the respondent – Panchayat upon instructions, would submit that the representation filed by the petitioner appended at page '87' of the paper-book as Annexure – 'H' has been considered by the competent authority, namely, the Taluka Development Officer only yesterday and an order dated 23.12.2025 has already been passed. Such an order, if any, shall be brought on record of the present proceedings.

7. Be that as it may, we may further note that the petitioner herein would submit that approximately 106 housing allotments were sanctioned in the year 2024 in village Shahpur, Taluka Viramgam, Ahmedabad under PMAY-G scheme. However, the selection process was conducted in a high-handed and arbitrary manner in utter violation of the mandatory scheme, namely the Guidelines of 2022. Ineligible persons, including those who already own pucca houses or otherwise disqualified, have been granted allotment in collusion and manipulation with the local authorities defeating the very purpose of the scheme. It is contended that many genuinely, homeless and deserving rural families, including the petitioner, have been sidelined and deprived of the benefit of the scheme.

8. The contention is that though the petitioner is also one of the eligible person but she has not applied for allotment of any house under the scheme. The prayer has, however, been made to initiate an inquiry into the tainted allotments of houses in the year 2024. The prayer has also been made to suspend and stay further implementation of allotments made in the year 2024, including restraining the respondents from releasing any further fund or benefits pursuant to the said allotment, which may allow further construction activities or grant of possession to the ineligible allottees.

9. The petitioner also seeks a writ in the nature of mandamus directing the respondent No.1, namely, the Secretary, Panchayat, Rural Housing & Rural Development

Department to conduct a departmental inquiry and legal proceedings against the erring Officers involved in the conspiracy of embezzlement of funds so as to further ensure that such malpractices are not committed in future.

10. In response, it is submitted by Mr. Hemang Trivedi, learned advocate appearing for the Taluka Panchayat that the Gram Panchayat prepares the list of allottees in a resolution passed by the body of its members and the Taluka Development Officer concerned approves the said list after due verification. The provisional list of eligible beneficiaries is prepared after a survey is conducted by the officer of the District Rural Development Agency and the said list is placed before the Gram Panchayat. Only upon resolution being passed by the Gram Panchayat of the proposed allottees, the list is placed before the Taluka Development Officer concerned, who after due verification is required to approve the same.

11. Noticing the above, on the request made by learned advocate for the petitioner, we permit for impleadment of the concerned Gram Panchayat during the course of the day.

12. The Taluka Development Officer, who is supposed to be the approving authority for allotments before circulation of the final list is required to file his personal affidavit to place on record the methodology adopted for allotment of 106 houses under the PMAY-G in the year 2024, as alleged in the writ petition.

14. The District Development Officer of the District Panchayat is also required to look into the matter and submit his response to the writ petition by filing his personal affidavit independently, on the allegation of illegal allotments.

13. It is clarified that the concerned Officers of the District Development Office and the District Rural Development Agency represented by Mr. Hemag Trivedi are required to file their personal affidavits separately.

14. The learned Assistant Government Pleader appearing for respondent Nos.1 and 5 shall also file their response after making an inquiry at the ends of the Rural Development Commissioner into the allegations made in the writ petition.

15. Let a notice be issued to the newly impleaded respondent, namely, the Gram Panchayat concerned returnable on 30.01.2026.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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