

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15495 of 2025**

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SAFIKABANU D/O. JAHEDALI BUKHARI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR SIRAJ R GORI(2298) for the Petitioner(s) No. 1,2,3,4

MR ADITYA P MISTRI(11315) for the Petitioner(s) No. 1,2,3,4

G H VIRK(7392) for the Respondent(s) No. 3,4,5

GOVERNMENT PLEADER for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 20/11/2025****ORAL ORDER**

1. This petition is filed challenging the Notice dated 12.09.2025 issued under Section 67 of the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as “the Act 1976”).

2. Heard learned advocate Mr.Siraj Gori for the petitioners. Learned advocate submitted that the petitioners are owners of land bearing revenue Survey No.267 admeasuring 10117 sq.mtrs. In support, learned advocate has relied upon 7/12 extract at Page-20. Thereafter, the said land formed part of Draft Town Planning Scheme No.128 (Vatva-Aslali). Upon sanctioning of Draft Town Planning Scheme No.128 (Vatva-Aslali), Redistribution Form (“F” Form) has been issued and in the said “F” Form, measurement of the land of the

petitioners, has been referred to 9117 sq.mtrs. instead of 10117 sq.mtrs. This being error apparent, the petitioners made representation dated 26.12.2019 (Annexure “K” Page-55 to 57). The said representation is followed by another representation; however, no decision is taken and the Notice under section 67 of the Act 1976 has been issued. It is true that Preliminary Town Planning Scheme No.128 (Vatva- Aslali) has been sanctioned vide Notification dated 16.05.2025. However, prior to finalization of the Scheme, if this is not corrected, prejudice will be caused to the petitioners.

3. Opposing the petition, learned Assistant Government Pleader Ms.Suman Motla for the respondent- State submitted that earlier also, Draft Town Planning Scheme has been sanctioned prior to 2019. Thereafter, Notices have been issued, which are referred in the communication received by her. It appears that first representation is of the year 2019 that too, after sanctioning of Draft Town Planning Scheme No.128 (Vatva- Aslali). Therefore, the petitioners have not availed the remedy when they were put to Notice and opportunity of hearing was provided.

4. Learned advocate Mr.S.H.Virk for respondent No.4- Ahmedabad Municipal Corporation submitted that

Redistribution Form refers to ownership of land by petitioner's heirs. Here four petitioners have approached and there is no surety about their inter se Distribution of the land. Moreover, Notices now will be issued under section 68 of the Act read with Rule 33 of the Rules and opportunity of raising objections shall be provided to the petitioners. Therefore, this petition being pre-matured, may not be considered. Further, Form "F" does not contain the name of the legal heirs and Form "F" contains that the land in question is in the name of the original owner, who passed away in the year 2015.

5. Considering the submissions issue **Notice** returnable on 12.01.2026.

(MAUNA M. BHATT,J)

DIPTI PATEL...