

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16922 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 16937 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 16940 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 16957 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 16975 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 17042 of 2025

With

R/SPECIAL CIVIL APPLICATION NO. 17173 of 2025

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DIYA ADS PVT. LTD. & ANR.

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR AJAY S JAGIRDAR(2688) for the Petitioner(s) No. 1,2

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

MR ANUJ K TRIVEDI(6251) for the Respondent(s) No. 3,4

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 24/03/2026

COMMON ORAL ORDER

1. By way of these petitions under Article 226 of the Constitution of India, the petitioners have approached this Court for quashing and setting aside the decision dated 21.01.2025, passed by the Joint Secretary Urban Development and Urban Housing Department, by which in exercise of the power under Section 451 (1) of the GPMC Act, the authority

has stayed the resolutions dated 27.02.2023, 02.03.2023 and 29.03.2023.

2. Prima facie, this Court feels that the Municipal Commissioner, Ahmedabad, could not have referred the matter to the State Government as if seeking approval and/or sanction to those resolutions by invoking the provisions of Section 451(1) of the Act. Plain reading of the provisions of Section 451 (1), prima facie, gives an impression that by virtue of the provision of Section 451(1), it is the State Government who can take decision independently, not upon a letter of the Commissioner. Be that as it may, in turn, the State Government also without any application of mind and in mechanical manner that too without adherence to the principle of natural justice, passed the order by suspending those resolutions.

3. Despite the time given, there is no affidavit-in-reply filed by the respondents. Let the Municipal Commissioner Ahmedabad as well as Joint Secretary Urban Development and Urban Housing Department, personally file an affidavit explaining, inter alia, having exercised powers under Section 451(1), by the next date of hearing, so as to enable this Court to consider the matter in its true perspective.

4. Let these matters be listed on 06.04.2026. In the meantime, there shall be ad-interim relief in terms of Para 12 (B).

NIHAL PATEL

(NIRAL R. MEHTA,J)