

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16907 of 2025**

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MUSTAKBHAI MUKHTIYARBHAI RANGREJ**Versus****TALUKA PANCHAYAT OFFICE MAHUVA & ORS.**

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Appearance:**MR SHIVANG M SHAH(5916) for the Petitioner(s) No. 1****MS DHARA M SHAH(5546) for the Petitioner(s) No. 1****GOVERNMENT PLEADER for the Respondent(s) No. 2,3**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 09/12/2025****ORAL ORDER**

1. This petition is filed challenging the notice dated 02.12.2025 under which petitioner has been directed to remove alleged unauthorized construction within a period of 1 day.

2. Heard learned advocate Ms. Dhara Shah for the petitioner. Learned advocate for the petitioner submitted that notice dated 02.12.2025 was issued asking the petitioner to remove alleged unauthorized construction on or before 03.12.2025. Learned advocate submitted that earlier to that a notice dated 08.10.2025 was issued under Swagat Program of the State Government wherein though it is referred as the hearing to be given on 10.10.2025 at 12.00 PM, no such hearing was granted to the petitioner. Moreover, against the notice dated 08.10.2025, the petitioner has filed a suit and the

same is pending adjudication. Learned advocate submitted that ignoring the above fact, a notice dated 02.12.2025 was issued. The alleged unauthorized construction is in the nature of one room residential premises of the petitioner and adjacent to the same there is two storied building. Moreover, the petitioner is illiterate and not aware about the legal intricacies and therefore if time is granted the petitioner shall make appropriate application seeking regularization of unauthorized construction. Moreover, payment of electricity and other incidental charges to Mahuva Gram Panchayat is not in dispute.

3. Considering the submissions, issue **Notice** returnable on **02.02.2025**. Respondent No. 2 is directed not to give effect or act upon the notice dated 02.12.2025 till the next date of hearing. In the meantime it is open for the petitioner to make appropriate application seeking regularization of unauthorized construction, if so, permissible under law.

Direct service is permitted.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI